

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 29, 2007, beginning at 9:30 o'clock a.m.

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

Commissioner Corliss arrived at the meeting at 10:20 a.m.

In re: PLEDGE OF ALLEGIANCE

Commissioner Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by R. Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, March 22, 2007, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by R. Morgan to approve the following Purchase Orders for the Week of March 26, 2007, totaling \$16,405.82: 43751, 43764, 43812, 43711, 43763, 43769, 43342, 43669, 43796, 43761, 43534, 43535, 43536, 43537, 43575, 43576, 43579, 43581, 43766, 43767 and 43768. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by R. Morgan, second by Manuel to approve the list of the Accounts Payable dated March 29,, 2007 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

Check No.	DEPT	Vendor Name	PO No.	AMT W/ PO#	AMT W/O PO#	Amount
52016	424	ALLEGHENY POWER			\$5,820.81	\$5,820.81
52016	425	ALLEGHENY POWER			\$985.33	\$985.33
52017	PAYROLL	AFLAC			\$1,602.16	\$1,602.16
52018	425	B-K	43752	\$165.56		\$165.56
52018	439	B-K	43648	\$1,749.25		\$1,749.25
52019	ALL DEPTS	BRICKSTREET MUTUAL INS			\$7,197.80	\$7,197.80
52020	700	CREAMERS	43756	\$151.69		\$151.69
52020	716	CREAMERS	43754	\$251.43		\$251.43

52021	712	VERIZON			\$300.00	\$300.00	
52022	425	CRAWFORD ELECTRICS			\$1,601.04	\$1,601.04	
52023	425	DODSON PLUMBING	43760	\$301.50		\$301.50	
52024	960	DELL COMPUTER	40708	\$1,517.00		\$1,517.00	
52025	424	FRONTIER			\$876.84	\$876.84	
52026	424	FRONTIER			\$770.98	\$770.98	
52027	ALL DEPTS	GUARDIAN INSURANCE			\$6,292.41	\$6,292.41	
52027	ALL DEPTS	GUARDIAN INS. DENTAL/VISION			\$102,436.11	\$102,436.11	
52028	425	GRAINGER	43710	\$115.44		\$115.44	
52029	403	GREENLINE DATA	43805	\$317.73		\$317.73	
52030	425	IDVILLE	43792	\$78.25		\$78.25	
52031	425	JEFF CO PUBLIC SERVICE DEPT			\$53.96	\$53.96	
52032	439	JOURNAL	43639	\$991.88		\$991.88	
52033	712	DR. ROBERT JONES			\$1,000.00	\$1,000.00	
52034	401	LEWIS CO. CIRCUIT CLERK			\$83.10	\$83.10	
52035	402	PIFER	43616	\$180.75		\$180.75	
52035	403	PIFER	43811	\$67.01		\$67.01	
52035	403	PIFER	43807	\$159.95		\$159.95	
52035	403	PIFER	43808	\$79.80		\$79.80	
52035	404	PIFER	42857	\$93.15		\$93.15	
52036	439	THOMAS PRITT			\$5.29	\$5.29	
52037	424	ROACH			\$311.39	\$311.39	
52037	425	ROACH			\$981.70	\$981.70	
52038	406	SHEETZ			\$31.43	\$31.43	
52038	424	SHEETZ			\$863.45	\$863.45	
52038	430	SHEETZ			\$125.18	\$125.18	
52038	439	SHEETZ			\$373.09	\$373.09	
52038	700	SHEETZ			\$4,402.30	\$4,402.30	
52038	711	SHEETZ			\$185.10	\$185.10	
52038	716	SHEETZ			\$506.38	\$506.38	
52038	712	SHEETZ			\$353.23	\$353.23	
52039	INVEST	WV DEPUTY SHERIFF RET.			\$6,740.54	\$6,740.54	
52040	INVEST	WV DEPUTY SHERIFF RET.			\$8,326.59	\$8,326.59	
52041	712	SPRINT			\$943.41	\$943.41	
52041	712	SPRINT			\$737.04	\$737.04	
52041	424	SPRINT			\$81.23	\$81.23	
52041	439	SPRINT			\$238.59	\$238.59	
52042	424	UPS			\$16.13	\$16.13	
52043	403	WVACO	43810	\$154.00		\$154.00	
52044	INVEST	WV PUBLIC EMPLOYEES RET.			\$18,892.66	\$18,892.66	
52045	INVEST	WV PUBLIC EMPLOYEES RET.			\$44,083.00	\$44,083.00	
52046	GRANT	WV DEPT O/AGRIC-GM SPRAY			\$6,883.89	\$6,883.89	
52047	424	WALMART			\$291.38	\$291.38	
52047	716	WALMART			\$53.18	\$53.18	
TOTAL					\$6,220.39	\$224,600.72	\$230,821.11

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$83.10
402/CCLK	CO. CLERK	\$180.75
403/CIR CLK	CIRCUIT CLERK	\$778.49
404/TAX	TAX OFFICE	\$93.15
405/PA	PROS ATTY	
406/ASSR	ASSESSORS	\$31.43
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	\$9,032.21
425/OB	OTHER BUILDING	\$4,282.78
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	\$125.18
431/ECON DEV	ECON DEV	
439/PZ	PLANNING ZONING	\$3,358.10
700/SHRF	SHERIFF DEPT	\$4,553.99
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$185.10
712/911	911 COMMUNICATION	\$3,333.68
716/A/C	ANIMAL CONTROL	\$810.99
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
900/PARK&REC	JEFFERSON CO. PARKS& REX	
916/LIBRARY	LIBRARY CAPITAL OUTLAY	
960/IMPACT	IMPACT FEES	\$1,517.00
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	
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	
ALLOC	ALLOCATIONS	
ALL DEPTS	ALL DEPTS	\$115,926.32
010/GRANT	GRANTS	\$6,883.89
INVEST	INVESTMENTS	\$78,042.79

PAYROLL	PAYROLL	\$1,602.16
TOTALS		\$230,821.11

In re: BONDING

Upon recommendation from County Engineer Roger Goodwin, motion by Manuel, second by R. Morgan to approve the complete release of an irrevocable letter of credit in the amount of \$250,387.00 for Gap View Village Subdivision, section 2, Lots 26-93 & Lot 94-residue. Motion carried.

Upon recommendation from County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve a six (6) month bond extension ending November 2, 2007 for Araby Homes, LLC for Summit View Estates. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

Sherry Kelly, Acting Director of the Planning Department, appeared before the Commission and reported on the Planning Commission meeting held on March 27th, 2007. The Planning Commission voted 4-2 to change the zoning for Last Chance Used Cars and to recommend to the County Commission for approval. The Planning Commission voted 5-1 to support salary increases of 7 ½ % to 10%.

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 agreed to set a date to hold a wrap up meeting with Legislators after budget deliberations are complete.

In re: KENDIG KEAST

Leslie D. Smith, County Administrator informed the Commission that Kendig Keast has provided a map for their review. The Commission agreed to keep the map in the Hunter House Conference room for review and to be available to the public.

In re: SHEPHERDSTOWN BATTLEFIELD TRANSPORTATION ENHANCEMENT GRANT

The Commission agreed to delay action pending legal counsel comment.

In re: PUBLIC COMMENT

Ken Lowe appeared before the Commission to comment on the appointment of Paul Burke to the Planning Commission. Mr. Lowe requested that Mr. Burke not be reappointed.

Scott Tatina appeared before the Commission to see what the status is on the RFP for the Water Study. Commissioner Manuel agreed to assist the County Administrator on the RFP and the status.

Trish Sanderson appeared before the Commission to comment of the appointment of Paul Burke to the Planning Commission. Ms. Sanderson requested that Mr. Burke not be reappointed.

Lee Snyder appeared before the Commission to comment on the appointment of Paul Burke to the Planning Commission. Mr. Snyder requested that Mr. Burke not be reappointed.

David Hartly appeared before the Commission to comment on the appointment of Paul Burke to the Planning Commission. Mr. Hartly requested that Mr. Burke not be reappointed.

Janene Watson appeared before the Commission to discuss the table games bill.

In re: WARREN MICKEY - EASTERN PANHANDLE TRANSPORTATION AUTHORITY

Warren Mickey appeared before the Commission to give a presentation on the status on the Eastern Panhandle Transportation Authority. Mr. Mickey gave the Commission copies of the By-Laws and minutes.

In re: TOM TRUMBLE - TRANSITION TEAM REPORT

Tom Trumble appeared before the Commission to give an updated report for the Transition Team.

The Commission took a 5 minute break at 10:25 a.m.

In re: FRED BLACKMER - SELECTION OF PLANNING COMMISSION APPLICANTS

Fred Blackmer appeared before the Commission to discuss the selection of Planning Commission applicants. Mr. Blackmer requests that the Commission do not reappoint Paul Burke to the Planning Commission.

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 took no action on this agenda item.

In re: APPROVAL OF LEVY ESTIMATE FOR FISCAL YEAR 2008

The Commission took no action on this agenda item. The Commission agreed to continue budget deliberations on Friday, March 20, 2007 at 9:00 a.m.

**In re: MEMORANDUM OF AGREEMENT BETWEEN COUNTY AND STATE AGENCY TO
INSTALL BLUE RIDGE RADIO SITE**

Motion by R. Morgan, second by Manuel to approve the Memorandum of Agreement between the County and State Agency to install Blue Ridge radio site and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion carried.

**In re: FOCUS COALITION - ENFORCING THE UNDERAGE DRINKING LAWS GRANT -
REQUEST APPROVAL OF RESOLUTION**

Motion by R. Morgan, second by Manuel to approve the request from FOCUS Coalition to approve the Resolution for Enforcing the Underage Drinking Laws Grant and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion carried.

In re: JOHN FINNAMORE - CHARLES TOWN RACES AND SLOTS

John Finnamore, Charles Town Races and Slots appeared before the Commission to discuss HB 2718 regarding Table Games. Mr. Finnamore gave the Commission an update on the projections if the referendum passed. The Commission discussed the projected revenues. The Commission commended Mr. Finnamore for his support on HB 2718 and the changes that were made on the bill to benefit everyone.

In re: HOME CONSORTIUM FUNDING AND LOCAL MATCH

Jeremy Camp, Director of Community Development, City of Charles Town appeared before the Commission to discuss the Home Consortium funding and local match. After discussion, motion by Manuel, second by R. Morgan to approve the expenditure of \$26,537 for the Home Consortium contingent upon all municipalities providing funding accordingly. 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 asked the Commission to reconsider the budget request during the budget deliberations for indexing.

In re: JAMES B. CRAWFORD- ANNEXATION

James B. Crawford, Esquire appeared before the Commission on behalf of the City of Charles Town concerning an Annexation for Willow Springs consisting of 71 acres. Peter Chakmakian was present and commented on the matter. After discussion, motion by Corliss, second by R. Morgan to defer this matter for two weeks for legal review and recommendation.

In re: JAMES B. CRAWFORD - SAMUEL STREET STATION ANNEXATION - CITY OF CHARLES TOWN

James B. Crawford, Esquire appeared before the Commission on behalf of the City of Charles Town concerning an Annexation for Samuel Street Station consisting 8.17 acres. Motion by R. Morgan, second by Corliss to approve the Annexation for Samuel Street Station. Motion carried.

In re: APPROVAL OF EMPLOYMENT - COLLET RODDA, ENP - DEPUTY COMMUNICATIONS DIRECTOR

Motion by R. Morgan, second by Manuel to approve the employment of Collet Rodda as a Deputy Communications Director. Motion carried.

In re: STATUS OF GEOLOGICAL SURVEY WATER MONITORING PROPOSAL

No action was taken on the agenda item.

In re: COUNTY COMMISSION REPORTS

Commissioner Corliss reported on the office space for the Facilities Planner and checking on the transfer of the personnel files.

In re: SHEILA BIRNBACH - MANAGEMENT REPORT PRESENTATION

Sheila Birnbach appeared before the Commission to discuss the Management Study report. After discussion, motion by Manuel, second by F. Morgan to hold a public hearing on Tuesday, April 17, 2007 at 7:00 p.m. for public comment on the Management Study. After discussion, Commissioner Manuel withdrew his motion.

The Commission agreed to hold a Quarterly Meeting with the Department Heads and open to the public and also to invite the Elected Officials to discuss the Management Study after budget deliberations. The Commission also agreed to schedule a public hearing the second week of May, 2007 for public comment on the Management Study.

IN RE: PLANNING COMMISSION INTERVIEWS

The Commission conducted Planning Commission interviews for all applicants present. Those who appeared for interviews were: Richard Sigler, Cam Tabb, Steven Stoliper, Charles Ross, Russell Roper, Robert Reynolds, Ellen May, Ed Dunleavy, Edward Burns and Paul Burke.

Commissioner Corliss expressed an interest in increasing Planning Commission members from a nine-member board to an eleven-member board.

Commissioner F. Morgan advised all applicants that the Commission would be nominating and voting for Planning Commission members on April 5, 2007.

IN RE: JACK SNYDER - DUFFIELDS STATION, INC. - REQUEST FOR LETTER OF SUPPORT

Jack Snyder from Duffields Station, Incorporated appeared before the Commission to request a letter of support to the West Virginia Division of Culture and History in support of a grant application for the stabilization of Duffields Station train depot.

Motion by Manuel, second by Corliss authorizing the Commission President to affix her signature upon a letter of support to be submitted to the West Virginia Division of Culture and History on behalf of Duffields Station, Incorporated. Motion carried.

IN RE: MICHAEL D. THOMPSON - EMPLOYMENT MATTERS

Motion by Manuel, second by R. Morgan to enter into Executive Session to discuss personnel matters. Motion carried.

Motion by Manuel, second by Corliss to return to Regular Session. Motion carried.

IN RE: MICHAEL D. THOMPSON - EXPLANATION OF BUDGET

With budget deliberations still underway, Michael D. Thompson, Prosecuting Attorney withdrew this agenda item.

IN RE: LEGAL UPDATE & REPORT

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission for a legal update and report.

With consideration to the recent animal cruelty case in Jefferson County, Ms. Grove reported on animal cruelty statute 7-10-1 and requested the Commission consider contacting state delegates for reconsideration of language within the statute. Commissioner Manuel reported he would address the issue of animal cruelty with delegates during round table discussions.

Ms. Grove also expressed legal opinions with the regard to the legalities of increasing Planning Commission members. Ms. Grove reported she would research the matter further.

The Commission received the following information:

Reminder of Meeting with Jefferson County Board of Education on Wednesday, April 4, 2007, at 10:00 a.m.

Reminder of Meeting with Robert Rodecker, Cable Franchise Legal Counsel, on Wednesday, April 4, 2007, at 1:30 p.m.

Correspondence received from the City of Charles Town concerning their participation in the Council of Governments meetings.

Correspondence received from Babutu Rudo concerning the proposed zoning and subdivision ordinances.

Correspondence received from the Board of Risk and Insurance Management concerning the Aubrey E. Henry, et al civil action.

Correspondence received from Annette G. Van Hilst concerning affordable housing.

Copy of correspondence received from the Association of Counties to Governor Manchin concerning Senate Bill 206.

Correspondence received from the County Commissioners' Association concerning annual dues.

Correspondence received from the Historic Landmarks Commission concerning historic country inns.

Press release received of a reception at the South Jefferson Public Library to honor the work in the youth art exhibit on Sunday, March 25th, at 1:30 p.m.

Correspondence received from the West Virginia Development Office concerning the 2007 Draft Action Plan and Consolidated Plan Update.

E-911 fees received from Level 3 Communications and IDT Corporation.

Invitation received to attend the Grand Opening of Thos. Somerville Co. Martinsburg Branch on Thursday, April 12, 2007, at 2:00 p.m.

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

The Commission received the following correspondence:

Correspondence received from John Gordon concerning annexation.

Copy of correspondence sent to Governor Manchin from Casimer F. Ostapovicz received concerning property tax assessment.

Upon rising, the Commission recessed until Thursday morning next beginning at 9:30 o'clock a.m.

FRANCES B. MORGAN, COUNTY COMMISSION