

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, April 5, 2007 beginning at 9:30 o'clock a.m.

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

IN RE: PLEDGE OF ALLEGIANCE
Commissioner Surkamp conducted the Pledge of Allegiance

IN RE: APPROVAL OF MINUTES
Motion by R. Morgan, second by Corliss to dispense with the reading of the minutes for the Special Session for the Board of Review and Equalization held on Tuesday, February 6, 2007 and to approve the minutes as presented. Motion carried.

Motion by R. Morgan, second by Corliss to dispense with the reading of the minutes for the Special Session for the Board of Review and Equalization held on Friday, February 16, 2007 and to approve the minutes as presented. Motion carried.

Motion by Manuel, second by F. Morgan to dispense with the reading of the minutes for the Special Session held on Wednesday, March 21, 2007 and to approve the minutes as presented. Motion carried.

Motion by R. Morgan, second by Manuel to dispense with the reading of the minutes for the Regular Session held on Thursday, March 29, 2007 and to approve the minutes as amended. 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 April 5, 2007 totaling \$9,050.95: 42882, 42883, 42885, 43625, 43626, 43770, 43774, 43326, 43797, 43798, 43799, 40710, 43740, 43771 and 43783. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE
Motion by Surkamp, second by R. Morgan to approve the Accounts Payable for the week of April 5, 2007 totaling: \$245,894.35 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CHECK #	DEPT	Vendor Name	PO #	AMT W/ PO#	AMT W/O PO#	Amount
52051	712	APCO	43342	\$517.88		\$517.88
52052	425	ABH SERVICES			\$7,075.36	\$7,075.36
52053	ALLOC	BARDANE PUBLIC HLTH CNTR			\$691.33	\$691.33
52054	ALLOC	BOLIVAR/HARPER FERRY PUBLIC			\$11,250.00	\$11,250.00
52055	PAYROLL	BUREAU FOR CHILD SUPPORT			\$72.00	\$72.00
52056	701	BIG SKY RACKS, INC	42574	\$31.95		\$31.95
52057	425	B-K	43762	\$68.00		\$68.00
52057	960	B-K	40709	\$146.00		\$146.00
52057	976	B-K	43038	\$805.00		\$805.00
52057	439	B-K	43648	\$240.00		\$240.00
52058	406	BLUE RIDGE AUTO GLASS	43751	\$262.53		\$262.53
52059	711	AMERIGAS			\$181.54	\$181.54

52060	425	BOLAND	43487	\$8,500.00		\$8,500.00
52061	401	TESSA REED			\$12.61	\$12.61
52062	PAYROLL	BUREAU/CHILD SUPPORT			\$62.31	\$62.31
52063	PAYROLL	CHILD SUPPORT ENFORCE			\$90.89	\$90.89
52064	PAYROLL	VA DEPT TAXATION			\$289.42	\$289.42
52065	425	CITY OF CHARLES TOWN			\$40.00	\$40.00
52066	700	CREAMERS	43768	\$1,013.83		\$1,013.83
52066	700	CREAMERS	43773	\$34.45		\$34.45
52066	700	CREAMERS	43784	\$15.00		\$15.00
52067	712	CDW GOV	42774	\$745.11		\$745.11
52068	425	OLD C.T LIBRARY		\$1,500.00		\$1,500.00
52068	ALLOC	OLD CHARLES TOWN LIBRARY			\$11,250.00	\$11,250.00
52069	PAYROLL	CHILD SUPPORT ENFORCE			\$23.07	\$23.07
52070	711	STEVE CHAMBLIN			\$170.27	\$170.27
52071	405	DELL COMPUTER	43536	\$116.00		\$116.00
52072	425	DAYCON	43765	\$18.50		\$18.50
52073	424	DEAN'S LAWNMOWER SHOP	43785	\$16.75		\$16.75
52074	INVEST	EQUITABLE			\$15.00	\$15.00
52075	403	EMBASSY SUITES	43812	\$218.00		\$218.00
52076	424	EHRILICH			\$28.00	\$28.00
52076	425	EHRILICH			\$259.00	\$259.00
52077	712	TODD FAGAN			\$92.15	\$92.15
52078	701	GALLS	43579	\$1,073.90		\$1,073.90
52079	425	GRAINGER	43761	\$801.30		\$801.30
52080	716	HILLSIDE VETERINARY HOSP	43704	\$2.22		\$2.22
52081	430	THE HAWORTH PRESS	43795	\$52.17		\$52.17
52082	INVEST	ING			\$175.00	\$175.00
52083	402	JEFF PUBLISHING CO			\$23.00	\$23.00
52084	425	JEFF. CO. SOLID WASTE AUTHORITY	43781	\$22.91		\$22.91
52085	425	JEFFERSON RENTALS	43782	\$90.50		\$90.50
52086	ALL DEPTS	JEFFERSON SECURITY BANK			\$4,729.00	\$4,729.00
52087	989	K & B MUSIC CENTER	42414	\$683.78		\$683.78
52088	712	MSAG LLC			\$1,436.38	\$1,436.38
52089	ALL DEPTS	COMPROLLER MD			\$799.52	\$799.52
52090	700	MCKINNEY'S AUTO REPAIR	43767	\$129.46		\$129.46
52090	700	MCKINNEY'S AUTO REPAIR	43772	\$30.17		\$30.17
52091	PAYROLL	MARYLAND CHILD SUPPORT ACCT			\$140.00	\$140.00
52092	INVEST	NACO/NATIONWIDE RETIREMENT			\$765.21	\$765.21
52093	402	PIFER	43617	\$70.80		\$70.80
52094	425	REID'S ELEVATOR SERVICES	42713	\$100.00		\$100.00
52094	424	REID'S ELEVATOR SERVICES	43769	\$440.00		\$440.00
52094	424	REID'S ELEVATOR SERVICES	43481	\$650.00		\$650.00
52095	711	ROACH	43669	\$364.81		\$364.81
52096	700	ROCIC	43581	\$100.00		\$100.00
52097	ALLOC	SHEPHERDSTOWN PUBLIC LIBRARY			\$11,250.00	\$11,250.00
52098	PAYROLL	WV STATE DEPT TAX/REVENUE			\$18,797.23	\$18,797.23
52099	ALLOC	S. JEFFERSON/SUMMIT POINT LIB.			\$11,250.00	\$11,250.00
52100	ALL DEPTS	SHERIFF OF JEFFERSON CO			\$52,671.46	\$52,671.46
52101	ALL DEPTS	SHERIFF OF JEFFERSON CO			\$81,809.73	\$81,809.73
52102	700	WALTER F. STEPHENS JR	43577	\$87.40		\$87.40
52103	712	SENCOMMUNICATIONS	43340	\$49.00		\$49.00

52104	980	SOUTHERN PUBLIC SAFTEY EQUIP	43576	\$1,548.37		\$1,548.37
52105	406	SCOTT'S AUTO BODY	43764	\$2,627.67		\$2,627.67
52106	405	STONEWALL RESORT	43534	\$570.00		\$570.00
52107		SHALLOW CREEK ELECTRICAL	43763	\$727.23		\$727.23
52108	712	TRI-STATE TELECOMMUNICATION			\$25.00	\$25.00
52109	405	UNIVERSITY HEALTH ASSOC	43535	\$2,700.00		\$2,700.00
52110	701	VALLEY 2-WAY	43575	\$325.00		\$325.00
52111	INVEST	VALIC			\$100.00	\$100.00
52112	716	VALLEY PET CEMETERY			\$184.00	\$184.00
52113	405	WEST PAYMENT CENTER	43537	\$1,426.04		\$1,426.04
52114	425	WM WASTE MANAGEMENT			\$191.31	\$191.31
52114	716	WM WASTE MANAGEMENT			\$89.73	\$89.73
52114	425	WM WASTE MANAGEMENT			\$253.40	\$253.40
52115	701	W.V UNIFORMS	43580	\$62.00		\$62.00
52116	989	CRAIG YOHN			\$100.00	\$100.00
52116	412	CRAIG YOHN			\$517.70	\$517.70
TOTAL				\$28,983.73	\$216,910.62	\$245,894.35

Department	Name	Dept Amts.
401/COM	CO. COMMISSION	\$12.61
402/CCLK	CO. CLERK	\$93.80
403/CIR CLK	CIRCUIT CLERK	\$218.00
404/TAX	TAX OFFICE	
405/PA	PROS ATTY	\$4,812.04
406/ASSR	ASSESSORS	\$2,890.20
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$517.70
413/ELE	ELECTION	
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	
418/STK	STOCK ROOM	
424/CTHS	COURT HOUSE	\$1,861.98
425/OB	OTHER BUILDING	\$18,920.28
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	\$52.17
431/ECON DEV	ECON DEV	
439/PZ	PLANNING ZONING	\$240.00
700/SHRF	SHERIFF DEPT	\$1,410.31
701/SHRF	SHERIFF DEPT	\$1,492.85
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$716.62
712/911	911 COMMUNICATION	\$2,865.52
716/A/C	ANIMAL CONTROL	\$275.95
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
900/PARK&REC	JEFFERSON CO. PARKS& REX	
916/LIBRARY	LIBRARY CAPITAL OUTLAY	

960/IMPACT	IMPACT FEES	\$146.00
966/CAP/AA	AMBULANCE AUTH CAP OUTLAY	
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	\$805.00
978/CAP/PA	PROS ATTY/CAPITAL OUTLAY	
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	\$1,548.37
982/DATA	DATA PROCESSING - IMAGING	
986/CAP/COMM	CO. COMMISSION/CAPITAL OUTLAY	
989/CAP/AGT	AG AGT/CAPITAL OUTLAY	\$783.78
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
998/PRK/REC	PARKS & REC COMMUNITY CENTER	
ALL DEPTS	ALL DEPTS	\$140,009.71
ALLOC	ALLOCATIONS	\$45,691.33
GRANTS	GRANTS	
INVEST	INVESTMENTS	\$1,055.21
PAYROLL	PAYROLL	\$19,474.92
TOTALS		\$245,894.35

IN RE: APPROVAL OF LEVY ESTIMATE FOR FISCAL YEAR 2008

This matter was taken up during a Special Session held on Wednesday, April 4, 2007.

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 JEFFERSON COUNTY BUILDING COMMISSION

No action was taken on this agenda item.

IN RE: APPOINTMENT TO THE PROPERTY SAFETY ENFORCEMENT AGENCY

No action was taken on this agenda item.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on the status of House Bill 541.

Commissioner Manuel reported on the Completion of the Legislative Budget Digest.

Commissioner Manuel reported on the approval of House Bill 2406.

IN RE: RESOLUTION VS. HOUSE BILL 2406'S VETO BY GOVERNOR

This matter was discussed under agenda item: "Legislative Issues".

IN RE: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION

- **REVISED BUDGET**
- **MAJOR POLICY ISSUES**
- **REVIEW OF PAUL BURKE PROPOSAL**
- **REVIEW OF DRAFT MAP**

The Commission referenced the email received from Lane Kendig.

To further address Mr. Burke's proposal and to review draft materials received from Lane Kendig, the Commission discussed coordinating a workshop on April 25, 2007 to discuss the email requirements presented by Lane Kendig.

Commissioner Surkamp recommended the Commission consider extending the contract agreement with Lane Kendig to ensure proper completion of the Subdivision and Zoning rewrite procedures.

IN RE: MOVE KENDIG VISIT TO MAY

This matter was discussed under agenda item: “Kendig Keast update/Ordinance rewrite discussion”.

IN RE: BONDING AND ACTIVITY REPORT

Roger Goodwin appeared before the Commission to report there is no bonding for the week of April 5, 2007.

Sherry Kelly, Acting Planning Director appeared before the Commission for the Bonding and Activity report for the week of April 5, 2007.

Ms. Kelly reported on the Subdivision work session scheduled for April 6, 2007.

Ms. Kelly reported on the agenda for the April 10, 2007 Planning Commission meeting.

IN RE: PLANNING COMMISSION RECOMMENDATIONS – LAST CHANCE USED CARS REZONING

Leslie D. Smith, County Administrator reported that she forwarded the Last Chance Used Cars file to Sherry Kelly and Roger Goodwin for their direction with regard to the rezoning request. Ms. Kelly appeared before the Commission to offer her opinion with regard to the rezoning request for Last Chance Used Cars.

Motion by Surkamp, second by R. Morgan to approve the rezoning request for Last Chance Used Cars as recommended by Sherry Kelly.

James Casimiro appeared before the Commission to report on the legalities of the rezoning request with regard to the Comprehensive Plan and recommended the Commission postpone this matter for one week pending legal review.

After comments from Mr. Casimiro, Commissioner Surkamp withdrew his original motion.

Motion by Manuel, second by Surkamp to postpone this agenda item for one week. Motion carried.

IN RE: DISABLED AMERICAN VETERANS OF THE EASTERN PANHANDLE – REQUEST FOR WAIVER OF PERMIT FEES

Motion by Manuel, second by R. Morgan to waive the permit fees for Disabled American Veterans of the Eastern Panhandle contingent upon recommendations from Sherry Kelly, acting Planning Director. Motion carried.

IN RE: NANCY CAROLYN COPE – REQUEST FOR REFUND OF VARIANCE FEES

Sherry Kelly appeared before the Commission and reported on the request by Ms. Cope for a refund of Variance Fees.

Upon recommendation from Sherry Kelly, acting Planning Director, Motion by R. Morgan, second by Manuel to refund Variance Fees in the amount of \$100.00 to Ms. Nancy Carolyn Cope. Motion carried.

IN RE: PUBLIC COMMENT

Randy Funkhouser appeared before the Commission to express his gratitude to the Commission for their support of House Bill 2406.

Daniel Lutz appeared before the Commission to express his concerns with the legalities and procedures of the Cable Franchise agreement.

IN RE: SHEPHERDSTOWN BATTLEFIELD TRANSPORTATION ENHANCEMENT GRANT

No action was taken on this agenda item.

IN RE: APPROVAL – RELEASE OF DEED OF TRUST BETWEEN TEXAS STOCK TAB OF WEST VIRGINIA INCORPORATED AND THE COUNTY COMMISSION OF JEFFERSON COUNTY

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to report on his review of the Deed of Trust with Texas Stock Tab of West Virginia Incorporated and made a recommendation to the Commission for approval of the release.

Motion by Manuel, second by R. Morgan to approve the release of a Deed of Trust between Texas Stock Tab of West Virginia Incorporated and the County Commission of Jefferson County as recommended by Assistant Prosecuting Attorney, James Casimiro. Motion carried.

IN RE: SHERRI NIELSON – BARKING DOG ORDINANCE

Sherri Nielson appeared before the Commission to request consideration for the adoption of a Barking Dog Ordinance for Jefferson County. Ms. Nielson cited various health and public nuisance issues with regard to persistent barking or howling dogs. Ms. Nielson reported on her discussions with Animal Control Officers and representatives from the Animal Welfare Society.

Joe Coakley appeared before the Commission to discuss his concerns with barking dogs in the community and requested the Commission consider adopting a Barking Dog Ordinance similar to those in surrounding jurisdictions. Mr. Coakley provided the Commission with copies of Berkeley County's Barking Dog Ordinance for their review and consideration.

The Commission agreed to submit copies of the Berkeley County Barking Dog Ordinance to legal counsel for their review and opinion.

Leslie D. Smith, County Administrator reported on the Barking Dog Ordinance previously reviewed by the County Commission of Jefferson County.

IN RE: JOHN FINNAMORE – TABLE GAMES REFERENDUM

John Finnamore appeared before the Commission to report on the proposed Table Games referendum and to request the Commission's approval of a Special Election on June 9, 2007. Mr. Finnamore provided the Commission with a formal written request detailing the specifications, legalities, requirements and procedures of a special election.

Mr. Finnamore reported on the goals and objectives of Penn National Gaming to enhance public awareness and familiarity with the process of the special election issues.

Mr. Finnamore reported on the intent of Penn National Gaming to cover all necessary expenses for the Special Election.

Motion by Corliss, second by R. Morgan to approve the request of John Finnamore from Penn National Gaming to conduct a special election for the table games referendum on June 9, 2007. Motion carried.

IN RE: DISCUSSION OF POSSIBLE IMMINENCE OF SPECIAL ELECTION ON TABLE GAMES

This matter was discussed under agenda item: "John Finnamore – Table Games referendum".

IN RE: DISCUSSION OF REDACTED RECOMMENDATION OF MANAGEMENT CONSULTING REPORT QUESTIONS OF AUTHORSHIP OF REDACTION

No action was taken on this agenda item.

IN RE: DISCUSSION OF INCREASING PLANNING COMMISSION MEMBERSHIP TO ELEVEN VERSUS NINE WITH LEGAL COMMENTS AS APPROPRIATE

Motion by Corliss, second by R. Morgan authorizing the appointment of two additional Planning Commission members for a membership of eleven versus nine.

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to report on current ordinance procedures with regard to the number of Planning Commission members permitted. Mr. Casimiro reported on necessary amendments to the Ordinance to ensure proper procedure.

The Commission agreed to take a 10-minute break to permit James Casimiro the proper time to research Planning Commission membership policy within the ordinance.

The Commission took a 10-minute break at 10:30 a.m. The Commission reconvened at 10:40 a.m.

IN RE: DISCUSSION OF INCREASING PLANNING COMMISSION MEMBERSHIP TO ELEVEN VERSUS NINE WITH LEGAL COMMENTS AS APPROPRIATE – CONTINUED

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to report on the previous Planning Commission Ordinance and Procedures Resolution that was adopted by the Jefferson County Commission detailing the permitted number of Planning Commission members.

With regard to Commissioner Corliss’ request for additional Planning Commission members, James Casimiro reported on the requirements necessary to adopt amendments within the Planning Commission Ordinance detailing additional Planning Commission members to include holding a public hearing to receive input from the citizens of Jefferson County.

Commissioner Corliss withdrew his original motion.

IN RE: PLANNING COMMISSION APPOINTMENTS

This matter was discussed under agenda item: “Appointments to the Planning Commission”.

IN RE: APPOINTMENTS TO THE PLANNING COMMISSION

Nomination by Corliss to appoint Paul Burke, Ellen May and Russell Roper to the Jefferson County Planning Commission for a 3-year term ending March 31, 2010.

Nomination by Manuel to appoint Cam Tabb and Ed Burns to the Jefferson County Planning Commission for a 3-year term ending March 31, 2010.

Nomination by R. Morgan to appoint Robert Reynolds and Ed Dunleavy to the Jefferson County Planning Commission for a 3-year term ending March 31, 2010.

	<u>Corliss</u>	<u>Manuel</u>	<u>F. Morgan</u>	<u>R. Morgan</u>	<u>Surkamp</u>
Paul Burke	✓				
Ellen May	✓		✓	✓	✓
Russell Roper	✓	✓			
Cam Tabb		✓			
Ed Dunleavy			✓	✓	✓
Ed Burns		✓			
Robert Reynolds			✓	✓	✓

Ed Dunleavy was appointed to the Jefferson County Planning Commission for one 3-year term ending March 31, 2010.

Ellen May was appointed to the Jefferson County Planning Commission for one 3-year term ending March 31, 2010.

Robert Reynolds was appointed to the Jefferson County Planning Commission for one 3-year term ending March 31, 2010.

IN RE: SET TIME FOR QUARTERLY FIDUCIARY SESSION

The Commission agreed to conduct their Quarterly Fiduciary Session on Thursday, April 12, 2007 at 11:15 a.m.

IN RE: HSMM – CHANGE ORDER FOR ARCHITECTURAL & ENGINEERING SERVICES

Motion by Manuel, second by Corliss to approve the HSMM change order for Architectural and Engineering Services for the Sheriff’s Building in Bardane as presented. Motion carried.

IN RE: AUTHORIZATION OF COUNTY FAIR WAGE COMPENSATION STUDY TO BE COMPLETED BY SEPTEMBER 1, 2007

The Commission agreed by consensus to authorize Commissioners Dale Manuel and Greg Corliss to coordinate with West Virginia University, Shepherd University or Marshall in the interest of conducting a Fair Wage Compensation Study for Jefferson County Government.

IN RE: BONDING ADMINISTRATION POSITION

The Commission agreed to discuss this matter during the afternoon workshop with Tom Trumble and the Transition Team.

IN RE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT

Jennifer S. Maghan, County Clerk appeared before the Commission for the weekly County Clerk’s report. Ms. Maghan reported on voting regulations and procedures with regard to the June 9, 2007 Special Election scheduled for the Table Game referendum. Ms. Maghan agreed to schedule a workshop with the County Commission to further apprise them of procedures and their responsibilities during the Special Election.

Ms. Maghan provided the Commission with the March 2007 revenue report for the County Clerk’s office.

With regard to county growth and increased registered voters, Ms. Maghan submitted a request for polling place splits/changes for precinct 22 and 25.

Motion by Surkamp, second by Manuel to approve the precinct split for South Jefferson Precinct 22 to South Jefferson Precinct 22-A and 22-B. Motion carried.

Motion by Surkamp, second by Manuel to approve the precinct split for Middleway Methodist Church Precinct 25 to Middleway Methodist Church Precinct 25-A and 25-B. Motion carried.

Ms. Maghan expressed her gratitude to the Commission for their support and funding for the M-100 equipment.

IN RE: ABSENCE OF CHAIR THE WEEK OF APRIL 9-13, 2007

Commissioner F. Morgan apprised the Commission of her absence the week of April 9-13, 2007.

IN RE: SHERIFF LAW ENFORCEMENT – APPROVAL OF SPECIAL DEPUTY STATUS

Motion by R. Morgan, second by Manuel to approve consent for Jefferson County Special Deputy status as presented by Lieutenant Thomas Hansen for the following individuals: Jason Newlin, Doug Bird, Johathan DeSarno, Alissa Jenkins and William Carper, Jr. Motion carried.

IN RE: OFFER TO PLANNER

Commissioner F. Morgan discussed selection of the Long-Range Planner and inquired if the Long-Range Planner Selection Committee has submitted their recommendations to the Planning Commission for review and input.

IN RE: STREAMLINING COMMERCIAL APPROVAL/PERMITTING PROCESS

The Commission agreed by consensus that Commissioner Surkamp would submit a letter of request to the Planning Commission drafted by Leslie D. Smith, County Administrator requesting they address concerns of streamlining commercial approval/permitting process and offer recommendations to the Commission.

IN RE: LEGAL UPDATE AND REPORT

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

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission with a Procedural change request by the Planning Commission. Mr. Casimiro provided a detailed summary of the procedural change request.

With consideration to additional Planning Commission appointees and Lynn Deming not being present at the last Planning Commission meeting, the Commission discussed redirecting the proposed procedural changes to the new Planning Commission board for further review and input.

Commissioner Corliss requested an executive summary by the Planning Commission further summarizing the requested procedural changes.

IN RE: MARK SCHIAVONE –

- **COMMERCIAL BUILDING PERMIT ACTIVITY REPORT;**
- **KIRK DAVIS PERSONNEL FILE ISSUE;**
- **DEPARTMENT NAME CHANGE PROPOSALS**
- **IMPACT FEE FUNDABLE PROJECT LIST**

Mark Schiavone, Impact Fee Coordinator appeared before the Commission for the Commercial Building permits activity report. Mr. Schiavone provided the Commission with a detailed summary of a permit activity report and reported on the Planning Commission requirements to necessitate proper collection of Impact Fees. The Commission agreed by consensus to submit a letter to the Planning Commission reiterating Mark Schiavone's participation in building permit procedures to ensure proper Impact Fee collection.

Mr. Schiavone reported on the personnel file he received from the Department of Planning, Zoning and Engineering and expressed concerns with the lack of time sheets not being included therein and requested the Commission insure his receiving Mr. Davis' time records from his date of employee.

Leslie D. Smith, County Administrator reported on the maintenance of time records. Ms. Smith insured the Commission that she would make certain that Mr. Schiavone would receive all time records for employee Kirk Davis.

Mr. Schiavone provided the Commission with a list of potential names to replace the Department of Impact Fees. After review and consideration, Motion by Corliss, second by Manuel to authorize the name change of the Department of Impact Fees to the Department of Capital Planning and Management. Motion carried.

Mr. Schiavone reported on the meeting held with the Board of Education on April 4, 2007 and the necessity of compiling a CIP projects list to ensure proper utilization and distribution of funds.

Motion by Manuel, second by R. Morgan authorizing the release of fiscal year 2008 funds for the purchase of a cruiser for the Jefferson County Sheriff's Department and the purchase of playground equipment for Jefferson County Parks and Recreation Commission. Motion carried.

IN RE: DAVID HAMMER, ESQUIRE – PENDING LITIGATION CHARLES TOWN VS. JEFFERSON COUNTY

Motion by R. Morgan, second by Manuel to enter into Executive Session to discuss litigation regarding Charles Town vs. Jefferson County. Motion carried.

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

The Commission recessed for lunch at 12:15 p.m.

The Commission reconvened for Regular Session at 1:30 p.m.

IN RE: BUDGET REVISION – FUNDING FOR FIREWORKS, ET AL. FROM BALANCE OF DEFUNCT ACCOUNT

Commissioner Surkamp discussed the balance of the defunct account.

No action was taken on this agenda item.

IN RE: COUNTY COMMISSION WORKSHOP – TRANSITION

Tom Trumble appeared before the Commission to give a final summary and report from the Transition Team regarding the reorganization of the Department of Planning, Zoning and Engineering.

After discussion, motion by Corliss, second by R. Morgan to move Rebecca Burns to the Engineering Department until July 1, 2007 effective immediately. Motion carried.

Paul Raco was present and gave a presentation regarding a new position. He discussed a new position that would be a Bonding Administrator and that the duties fall under the jurisdiction of the County Commission. He also discussed the funding that would support that position.

The Commission discussed hiring two administrative positions for the Engineering Department in this year's budget. By unanimous consent, the Commission agreed to place the matter on next week's agenda and to begin advertisement for the positions.

Commissioner Corliss was absent for the rest of the meeting.

IN RE: BILL POLK – PERSONNEL MATTERS

Bill Polk appeared before the Commission to discuss personnel matters regarding a County Commissioner. Mr. Polk asked the Commission to protect its employees and create a safe work environment for everyone by addressing this matter.

IN RE: MAINTENANCE AND REPAIR ISSUES

Commissioner F. Morgan discussed with Bill Polk, Director of Maintenance the railing at the Judicial Center and asked for a status report.

Mr. Polk informed the Commission that the air-handling unit in the Mason building failed and that it needs to be replaced. Motion by Manuel, second by R. Morgan to approve the replacement of the air-handling unit in the Mason Building. Motion carried.

IN RE: COUNTY COMMISSION REPORTS

Commissioner R. Morgan reported on the Affordable Housing meeting he attended.

The Commission agreed to hold a Special Meeting on Thursday, April 26, 2007 at 2:30 p.m. with Tammy DeFazio.

The Commission received the following information:

Notice received of a Subdivision Work Session on Friday, April 6, 2007.

Various emails received from the Planning Commission concerning salaries and administrative rules.

Request received from the City of Charles Town for copies of the March 8th, 2007 County Commission meeting audio and video recordings.

Impact Fees Status Report received for March 2007.

Memorandums received from the Department of Impact Fees concerning transfers of funds.

Correspondence received from the Development Authority concerning appointments to the Planning Commission.

Letter of resignation received from Kim Shrader.

Correspondence received from Governor Manchin concerning the approval of the Records Management and Preservation Board County Records Grant.

Order of Recusal and Transfer received concerning Aubrey E. Henry v. Jefferson County Planning Commission.

Order of Recusal and Transfer received concerning Lori S. Kennedy v. Jefferson County Assessor.

Trial Court Rule 22 Scheduling Order received for Lori S. Kennedy v. Mary Bordier, Assessor.

Invitation received from Safe Haven Child Advocacy Center to attend a reception.

Invitation received from the Eastern Panhandle Free Clinic to attend an Open House on Monday, April 23rd, 2007.

Invitation received from Shepherd University to attend the 46th McMurrin Scholars Convocation on Wednesday, May 2, 2007.

Bylaws and minutes of the Eastern Panhandle Transportation Authority received.

Correspondence received from the Division of Homeland Security and Emergency Management concerning 2008 Hazardous Materials Emergency Planning Guide.

Invitation received from the US Census Bureau to attend a workshop regarding the local Update of Census Addresses Program on Tuesday, April 17, 2007.

Notice received of the 13th Annual LEPC/SERC Conference on September 24-26, 2007.

E-911 fees received from AT&T Communications.

Harpers Ferry National Historical Park Community Bulletin received.

Information received from the Association of Counties concerning HR811.

Invitation received from the Children's Home Society to attend the Founders' Day Celebration on Sunday, May 20, 2007.

Press Release received from the Jefferson County Historical Society concerning the Spring Meeting on Saturday, April 7, 2007.

Correspondence received from the Morgan County Office of Emergency Services thanking Barbara Miller for presentation and discussion during the Morgan County Local Emergency Planning Committee meeting.

Correspondence received from the Comptroller of Maryland concerning amendment or adjustment to a Maryland return.

E-911 fees received from the Public Service Commission.

Ethics Reporter received for March 2007.

Notice received from the Potomac Headwaters RC&D of an Executive Committee Meeting on Tuesday, April 10, 2007.

Correspondence received from the Association of Counties concerning the possibility of creating an insurance pool for property/liability insurance.

Correspondence received from the West Virginia Counties Risk Pool concerning the West Virginia Counties Group Self-Insurance Pool.

Miscellaneous

The Commission received the following correspondences

Correspondence received from PETA concerning emergency veterinary care.

Correspondence received from PETA concerning the horses on the Danley farm.

Copy of correspondence received from the Mountain Water Systems Fair Water Rate Committee to the Public Service Commission concerning the Mountain Water Systems Fair Water Committee v. Jefferson Utilities, Inc.

Correspondence received from Marc Hoffman concerning horses on the Danley farm.

Correspondence received from Anthony Montapert concerning horses on the Danley farm.

Correspondence received from William McMullin concerning horses on the Danley farm.

Correspondence received from Carol E. Dunleavy concerning a barking dog ordinance.

Correspondence received from Patricia Panitz concerning horses on the Danley farm.

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

FRANCES B. MORGAN, COMMISSION PRESIDENT