

**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 12, 2007 beginning at 9:30 o'clock a.m.

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

Commissioner Frances B. Morgan was absent due to a prior commitment.

**In re: PLEDGE OF ALLEGIANCE**

Commissioner R. Morgan 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 Board of Review and Equalization meeting held on February 12, 2007, and to approve the minutes as prepared. Motion carried.

Motion by Manuel, second by Corliss to dispense with the reading of the minutes for the regular meeting held on Thursday, April 5, 2007 and to approve the minutes as amended. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Corliss, second by Manuel to approve the following Purchase Orders for the week of April 5, 2007 totaling \$336,139.35: 43891, 43893, 43814, 43627, 43629, 44069, 43853, 43800, 43786, 43789, 43905, 43649, 43902, 43538, 43904, and 42861. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**

Motion by Corliss, second by Manuel to approve the list of the Accounts Payable dated April 12, 2007 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
52119	425	ALLEGHENY POWER			\$1,236.74	\$1,236.74
52120	412	AT& T			\$7.02	\$7.02
52120	424	AT& T			\$1.94	\$1.94
52121	425	ARCH WIRELESS	42917	\$176.29		\$176.29
52121	700	ARCH WIRELESS	42918	\$322.92		\$322.92
52121	712	ARCH WIRELESS	41997	\$366.91		\$366.91
52122	425	BOLAND	43473	\$593.00		\$593.00
52122	424	BOLAND	43758	\$385.00		\$385.00
52123	424	C.T. WATER DPET			\$111.48	\$111.48
52123	425	C.T. WATER DPET			\$721.44	\$721.44
52124	425	ELEVATOR INSPEC. SERV.	43771	\$420.00		\$420.00
52125	425	DAYCON	43783	\$948.06		\$948.06
52126	412	SHANNA NICODEMUS			\$763.43	\$763.43
52127	402	FIFTH THIRD BANK			\$29.95	\$29.95
52127	403	FIFTH THIRD BANK			\$97.44	\$97.44
52127	711	FIFTH THIRD BANK			\$684.68	\$684.68
52127	712	FIFTH THIRD BANK			\$1,958.90	\$1,958.90
52127	424	FIFTH THIRD BANK			\$12.16	\$12.16
52127	700	FIFTH THIRD BANK			\$86.61	\$86.61
52128	424	HASLER	42643	\$180.00		\$180.00
52129	401	IKON			\$1,097.64	\$1,097.64
52130	439	KENDING KEAST			\$7,800.03	\$7,800.03
52131	439	SUSAN KITCHEN			\$362.96	\$362.96
52132	712	PRIORITY DISPATCH	43326	\$235.00		\$235.00
52133	712	MORGAN AWARDS	43344	\$52.00		\$52.00
52134	401	A.M.S MORGAN			\$63.05	\$63.05
52135	424	MCI			\$1,109.54	\$1,109.54
52136	439	RANDALL MCVEY			\$402.51	\$402.51
52137	ALLOC	JEFF CO PARK & REC			\$14,041.93	\$14,041.93
52138	402	PIFER	43626	\$164.19		\$164.19
52138	403	PIFER	43813	\$27.35		\$27.35
52138	404	PIFER	42859	\$13.02		\$13.02
52139	424	CHARLESTOWN POSTMAST.			\$163.50	\$163.50
52140	425	REID'S	42713	\$198.50		\$198.50
52141	424	ROACH OIL			\$279.30	\$279.30
52141	425	ROACH OIL			\$190.35	\$190.35
52142	424	RCS	43770	\$250.00		\$250.00
52143	404	SHRF OF JEFF.CO TAX DEPT	42860	\$49.25		\$49.25
52144	716	LESLIE SMITH			\$610.00	\$610.00
52145	712	SOFTWARE SYSTEM	43857	\$59.99		\$59.99

52145	404	SOFTWARE SYSTEMS			\$113.00	\$113.00
52145	404	SOFTWARE SYSTEMS			\$268.00	\$268.00
52145	402	SOFTWARE SYSTEMS			\$374.00	\$374.00
52145	404	SOFTWARE SYSTEMS			\$318.00	\$318.00
52145	403	SOFTWARE SYSTEMS			\$425.00	\$425.00
52145	403	SOFTWARE SYSTEMS			\$50.00	\$50.00
52145	402	SOFTWARE SYSTEMS			\$676.00	\$676.00
52145	428	SOFTWARE SYSTEMS			\$28.00	\$28.00
52145	982	SOFTWARE SYSTEMS			\$14,343.02	\$14,343.02
52146	960	STAPLES			\$664.08	\$664.08
52146	401	STAPLES			\$253.51	\$253.51
52146	402	STAPLES			\$501.98	\$501.98
52146	403	STAPLES			\$49.98	\$49.98
52146	405	STAPLES			\$300.21	\$300.21
52146	439	STAPLES			\$360.43	\$360.43
52146	700	STAPLES			\$1,422.67	\$1,422.67
52146	712	STAPLES			\$723.00	\$723.00
52147	712	SEN COMMUNICATIONS	43856	\$5.00		\$5.00
52148	425	SHEN. VALLEY WATER			\$540.55	\$540.55
52149	439	DAVID SNEDEKER			\$293.40	\$293.40
52150	424	THOMASSEN	43774	\$1,414.96		\$1,414.96
52151	402	THOMPSON PUBLISHING			\$168.95	\$168.95
52152	425	HAGEMEYER	43740	\$442.42		\$442.42
52153	439	US CELLULAR			\$135.32	\$135.32
52153	711	US CELLULAR			\$146.99	\$146.99
52154	982	UNITED SYS. SOFTWARE			\$321.00	\$321.00
52155	ALLOC	JEFF CO CONVENTION			\$14,041.94	\$14,041.94
52156	ALL DEPTS	WVPEIA			\$7,415.00	\$7,415.00
52157	ALL DEPTS	BUREAU OF EMPLOYMENT			\$190.79	\$190.79
<b>TOTAL</b>					<b>\$6,303.86</b>	<b>\$75,957.42</b>
						<b>\$82,261.28</b>

**In re: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS**  
No action was taken.

**In re: APPOINTMENT TO THE HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT**  
No action was taken.

**In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION**  
No action was taken.

**In re: LEGISLATIVE ISSUES**  
No action was taken.

**In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION**

- Revised Budget
- Major Policy Issues
- Review of Paul Burke Proposal
- Review of Draft Map

Motion by Manuel, second by Corliss to set a special meeting on Wednesday, April 18, 2007, at 9:00 a.m. in order to discuss Kendig Keast information on the revised budget, major policy issues and review of the draft map. Motion carried.

**In re: BONDING**

Roger Goodwin, County Engineer, appeared before the Commission for bonding.

Upon recommendation from Mr. Goodwin, motion by Corliss, second by Manuel to approve a 90 day bond extension for Maddex Farm Subdivision. Motion carried.

Upon recommendation from Mr. Goodwin, motion by Corliss, second by Manuel to extend the bond for Sheridan Subdivision until July 30, 2007. Motion carried.

**In re: PLANNING COMMISSION ACTIVITY REPORT**

Sherry Kelly, Acting Planning & Zoning Director, appeared before the Commission to give the Planning Commission Activity Report. Ms. Kelly reported on the Tuesday evening Planning Commission meeting.

**In re: LAST CHANCE USED CARS REZONING**

Sherry Kelly, Acting Planning & Zoning Director, reported on the rezoning request for Last Chance Used Cars. Ms. Kelly informed the Commission that a new public hearing before the Planning Commission was needed.

**In re: PUBLIC COMMENT**

No public comment was given at this time.

**In re: JOHN SIDOR - RECOMMENDATION FOR LONG RANGE PLANNER**

John Sidor, from the Jefferson County Planning Commission, appeared before the Commission to give a recommendation for the hiring of a Long Range Planner. After discussion, motion by Corliss,

second by Surkamp to hire Mr. Tony Redman as the Long Range Planner and to enter into salary negotiations with Mr. Redman. Motion carried.

**In re: JAMES B. CRAWFORD - FIRST CHARLES TOWN GROUP ANNEXATION CONTINUED**

James B. Crawford, Counsel for the City of Charles Town, appeared before the Commission to request the approval of an Order and Certificate of Annexation for the First Charles Town Group. After discussion and comments from the Commission's legal counsel, James Casimiro, motion by Corliss, second by Surkamp to deny the Certificate of Annexation request based on the advice received from legal counsel that the annexation was not contiguous. Motion by Manuel to table this matter for one week. Motion died due to a lack of a second. Motion to deny passed by a 3-1 vote. Commissioner Manuel voted no.

**In re: DELEGATE JOHN DOYLE**

Delegate John Doyle appeared before the Commission to request that the Commission reconsider their decision on the referendum for table games. After discussion and comments from the County Clerk and a representative from Charles Town Races and Slots, the Commission took no action on this matter.

**In re: SHEPHERDSTOWN BATTLEFIELD TRANSPORTATION ENHANCEMENT GRANT**

No action was taken.

**In re: SET TIME TO LAY LEVY ON TUESDAY, APRIL 17, 2007**

Motion by Manuel, second by R. Morgan to set the time to Lay the Levy to 9:00 a.m. on April 17, 2007. Motion carried.

**In re: COMPLETE EMPLOYEE HANDBOOK, JOB DESCRIPTIONS**

Commissioner Surkamp deferred this matter until next week.

**In re: HIRE HUMAN RESOURCES DIRECTOR DISCUSSION**

Commissioner Surkamp deferred this matter until next week.

**In re: FISCAL YEAR 2007-2008 LEVY ESTIMATE (BUDGET) PUBLICATION**

Motion by Manuel, second by Corliss to approve the publication of the Fiscal Year 2007-2008 Levy Estimate (Budget) in the Spirit of Jefferson Newspaper. Motion carried.

**In re: PROPOSAL TO EMPLOY ENGINEERING ADMINISTRATIVE ASSISTANTS IN CURRENT FISCAL YEAR**

Motion by Manuel, second by R. Morgan to approve the hiring of administrative assistants for the Engineering Department in this fiscal year and to authorize a budget revision when necessary. Motion carried.

**In re: PLANNING COMMISSION ADMINISTRATIVE RULES**

James Casimiro, Assistant Prosecuting Attorney, informed the Commission that the Planning Commission would be discussing this matter at their meeting on April 24, 2007.

**In re: LAW ENFORCEMENT AND PARKS AND RECREATION FEE FUNDABLE PROJECTS**

Motion by Manuel, second by Corliss to approve the impact fee fundable projects for Law Enforcement and Parks & Recreation as recommended by the Impact Fee Coordinator. Motion carried.

**In re: MOTION TO OFFICIALLY APPROVE THE TRANSITION TEAM REPORT**

The Commission agreed to table this matter for one week.

**In re: DISCUSSION OF APPROPRIATE INTERFACE BETWEEN COUNTY COMMISSIONERS, COUNTY EMPLOYEES AND VOLUNTEERS**

The Commission agreed to put this matter back on the agenda for next week.

**In re: JEFF POLCZYNSKI - WEST VIRGINIA STATEWIDE ADDRESSING REIMBURSEMENT - MSAG CONVERSION**

Jeff Polczynski appeared before the Commission concerning the West Virginia Statewide Addressing Reimbursement and MSAG Conversion. After discussion, motion by Manuel, second by Corliss to approve the purchase of Conflation Data in the amount of \$25,322 funded with unused funds that was previously budgeted for Atlantic Technologies. Motion carried. Motion by Surkamp, second by Manuel to approve the purchase of GIS Software Extension in the amount of \$11,485 funded with unused funds that was previously budgeted for Atlantic Technologies. Motion carried.

**In re: BRECKENRIDGE HOA - REQUEST FOR APPROVAL TO PLACE STOP SIGNS ON THE SAME POST AS STREET SIGNS**

After discussion and comments from Jeff Polczynski, motion by Manuel, second by Corliss to deny the request from the Breckenridge Homeowner's Association to place stop signs on the same post as street signs. Motion carried.

The commission took a 5 minute break at 11:10 a.m.

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

**- Elections Equipment Storage**

Ms. Maghan reported on plans for storage of elections equipment at Charles Town Self Storage.

**- Procedural Audit of Elections by WV Secretary of State**

Ms. Maghan informed the Commission that representatives from the Secretary of State's office would be in Jefferson County on April 24-26, 2007 for the procedural audit of elections.

**In re: QUARTERLY FIDUCIARY REVIEW**

At this time, the Commission reviewed various fiduciary accounts. After review, motion by Manuel, second by Corliss to accept the various fiduciary accounts as presented by the County Clerk's office. Motion carried.

The Commission also discussed the resignation of Ralph Lorenzetti as a Fiduciary Commissioner. Motion by Manuel, second by R. Morgan to accept the resignation of Ralph Lorenzetti as Fiduciary Commission and to also appoint Mr. Lorenzetti as a Special Fiduciary Commissioner in order to complete and close the remaining open estates assigned to Mr. Lorenzetti. Motion carried. The Commission also agreed to ask the County Administrator to contact Ms. Carmela M. Cesare, Esq., as recommended by Mr. Lorenzetti, to inquire if she would be interested in filling the vacant Fiduciary Commissioner position.

**In re: J. MICHAEL CASSELL - OLD STANDARD QUARRY PRESENTATION**

J. Michael Cassell, Attorney for Old Standard LLC, appeared before the Commission to give a presentation on proposed plans for the Old Standard Quarry. This presentation was not a formal request to rezone. No action was taken on this agenda item.

**In re: MARK SCHIAVONE**

**- BANKING PROPOSAL**

Mark Schiavone discussed the banking proposal received from United Bank and also renegotiating with the County's current bank. The Commission agreed to direct Dr. Schiavone to renegotiate with the current bank and to report back to the Commission when the information was received.

**- CAPITAL MANAGEMENT COMMITTEE**

Mark Schiavone discussed the possibility of forming a Capital Management Committee. The Commission agreed to table this matter until next week.

Commissioner Surkamp left at 12:10 p.m.

**In re: LEGAL UPDATE AND REPORT**

James Casimiro informed the Commission that there was no legal update and report at this time.

**In re: DISCUSS AND REVIEW NEED FOR IMPROVEMENTS TO THE ANNUAL BUDGET PROCESS AND SELECTION OF A STUDY TEAM TO PROVIDE RECOMMENDATIONS TO COUNTY COMMISSION ASAP**

The Commission agreed to leave this matter on the agenda for next week.

**In re: STATE PROPOSAL FOR REGIONAL MASS EVACUATION GRANT MANAGEMENT**

Motion by Manuel, second by Corliss to approve State Proposal for Regional Mass Evacuation Grant Management. Motion carried.

**In re: FOCUS COALITION - REQUEST FOR SUPPORT OF WHEN YOUTH CREATE YOUTH INTERVENTION PROGRAM GRANT APPLICATION**

Motion by Manuel, second by Corliss to provide support in the amount of \$2,500 for the Focus Coalition's grant application for the When Youth Create Youth Intervention Program contingent on the West Virginia Division of Criminal Justice approving the grant. Motion carried.

**In re: 3<sup>rd</sup> REQUEST FOR PERSONNEL FILE OF KIRK DAVIS**

The Commission agreed that this matter had already been taken care of.

**In re: COUNTY ADMINISTRATOR REPORTS**

The County Administrator informed the Commission of the resignation of Farren McGraw from the Maintenance Department.

The County Administrator informed the Commission that the Ribbon Cutting for Albert and Arnolds Wine and Cheese had been postponed.

The County Administrator informed the Commission that the building appraisal was received and would be on the agenda next.

The County Administrator informed the Commission that the Department Head meeting had been tentatively set for May 9, 2007.

**In re: PUBLIC COMMENT**

Paul Rosa commented on the Long Range Planner position.

**In re: COUNTY COMMISSION REPORTS**

No County Commission reports were given.

**In re: LONG RANGE PLANNER - EXECUTIVE SESSION**

Motion by Corliss, second by R. Morgan to enter into Executive Session in order to discuss the salary for the Long Range Planner. Motion carried.

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

Motion by Corliss, second by R. Morgan to authorize Commissioner R. Morgan to contact Mr. Tony Redman and negotiate a salary for the Long Range Planner position within the range of \$55,000-\$85,000. Motion passed by a 2-1 vote. Commissioner Manuel voted no.

**The Commission received the following information:**

Appointments to the Development Authority to be made on April 26, 2007.

Acceptance of bond for the Leetown Villa Subdivision in the amount of \$66,394.

Levy Estimate for Fiscal Year 2008.

Pre-construction meeting with the architect and the general contractor at the Jail House Annex is scheduled for April 17, 2007, at 3:00 p.m.

Joint meeting with the Board of Education and the County Commission scheduled for June 6, 2007, at 10:00 a.m.

Amended Complaint received concerning the City of Charles Town v. the County Commission of Jefferson County.

Copy of correspondence sent to the City of Ranson from Attorney Andrew C. Skinner received concerning the County Commission of Jefferson County v. The Corporation of Ranson.

Correspondence received from the Office of the State Auditor concerning levy orders and rate sheets.

Letter of resignation received from Farren McGraw.

Correspondence received from Christine Chalmers concerning the job description for the administrative assistant/secretary in the Engineering Department.

Audit Report for the Jefferson County Ambulance Authority received for the fiscal year ended June 30, 2006.

Administrative Order EE-07-13 received from the Office of Environmental Health Services concerning Green Acre MHP.

Copy of newspaper article received from the County Commissioners' Association concerning vetoed bills.

Grant information received from the County Commissioners' Association.

News release received from the Association of Counties concerning public meetings about statewide comprehensive historic preservation plan.

Audit report for the fiscal year ended June 30, 2006 received for the Eastern Panhandle Transit Authority.

Meeting minutes received from the Jefferson County Public Service District.

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

Ribbon cutting on Friday, April 13, 2007, at 11:00 a.m. at Albert and Arnolds Wine & Cheese.

Miscellaneous

**The Commission received the following correspondence:**

Correspondence received from David and Rita Cross concerning the horses on the Danley Farm.

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

Correspondence received from Caradox Kinomiya concerning the horses on the Danley Farm.

Correspondence received from Marc & Heather Hoffman concerning the horses on the Danley Farm.

Correspondence received from John Gordon concerning articles in the Martinsburg Journal.

Upon rising, the Commission recessed until Tuesday morning next beginning at 9:00 o'clock a.m.

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A.M. S. MORGAN, III, President Pro Tem