

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, May 3, 2007, beginning at 9:30 o'clock a.m.

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

Commissioner Manuel was absent due to a prior commitment.

In re: PLEDGE OF ALLEGIANCE

Commissioner Surkamp conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

The Commission agreed to take up the approval of the minutes later in the meeting in order to allow staff time to make changes to the minutes that were requested by President Morgan.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by R. Morgan to approve the following Purchase Orders for the Week of April 30, 2007, totaling \$49,504394: 44045, 44046, 43929, 42433, 43801, 43802, 43803, 43777, 43928, 43930, 43654, 44001, 43931, and 43932. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by R. Morgan to approve the list of the Accounts Payable dated May 3, 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
52275	425	ABH			\$7,075.36	\$7,075.36
52276	PAYROLL	BUREAU FOR CHILD SUPPORT			\$72.00	\$72.00
52277	425	B-K	43921	\$658.55		\$658.55
52277	712	B-K	44079	\$197.50		\$197.50
52278	PAYROLL	BUREAU/CHILD SUPPORT			\$62.31	\$62.31
52279	716	PAULA AIELLO			\$255.11	\$255.11
52280	PAYROLL	BUREAU FOR CHILD SUPPORT			\$90.89	\$90.89
52281	425	C.T. LOCK & KEY	43924	\$101.00		\$101.00
52282	700	COUNTRY ROAD TIRE & AUTO	43923	\$177.23		\$177.23
52283	406	CREAMERS	43922	\$576.73		\$576.73
52284	425	OLD C.T LIBRARY			\$1,500.00	\$1,500.00
52285	PAYROLL	CHILD SUPPORT ENFORCE			\$23.07	\$23.07
52286	403	DANKA	42821	\$55.95		\$55.95
52287	403	DAYTON LEGAL BLANK	43809	\$581.00		\$581.00
52288	425	DAYCON	43920	\$534.79		\$534.79
52289	425	DEHAVEN 7-UP CORP			\$21.00	\$21.00
52290	INVEST	EQUITABLE			\$15.00	\$15.00
52291	424	FRONTIER			\$1,043.30	\$1,043.30
52292	ALL DEPTS	GUARDIAN INSURANCE			\$103,093.43	\$103,093.43
52292	ALL DEPTS	GUARDIAN INS DENTAL/VISION			\$6,341.98	\$6,341.98
52293	425	HALL TOWN PAPERBOARD	44049	\$35.00		\$35.00
52294	430	HOME SAFETY COUNCIL	43796	\$149.00		\$149.00
52295	712	INFO SRVCS & COMMUN			\$21.35	\$21.35

52296	INVEST	ING			\$175.00	\$175.00
52297	401	JEFFERSON PUBLISHING CO			\$418.55	\$418.55
52298	425	JEFF CO. SOLID WASTE AUTH	43919	\$79.79		\$79.79
52299	ALL DEPTS	JEFFERSON SECURITY BANK			\$4,649.00	\$4,649.00
52300	401	LEWIS COUNTY CIRCUIT CLERK			\$83.10	\$83.10
52301	GRANT	LAMBDA CHI ALPHA			\$800.00	\$800.00
52302	712	PRIORITY DISPATCH	42927	\$295.00		\$295.00
52303	ALL DEPTS	COMPROLLER MD			\$647.47	\$647.47
52304	405	STAFFORD PUBLICATIONS, INC	43539	\$519.95		\$519.95
52305	PAYROLL	MD CHILD SUPPORT ACCT			\$140.00	\$140.00
52306	GRANT	RUDE MECHANICALS			\$200.00	\$200.00
52307	INVEST	NACO/NATIONWIDE RETIRE.			\$765.21	\$765.21
52308	402	PIFER	43628	\$376.06		\$376.06
52309	712	RESI VIII	43851	\$180.00		\$180.00
52310	424	ROACH			\$397.09	\$397.09
52310	425	ROACH			\$203.13	\$203.13
52311	425	RCS	43713	\$12,700.00		\$12,700.00
52312	GRANT	AHMED RIZIK			\$200.00	\$200.00
52313	712	SOFTWARE SYSTEMS	44076	\$201.72		\$201.72
52313	980	SOFTWARE SYSTEMS	43568	\$12,376.90		\$12,376.90
52314	405	SPECIALTY BUS SUPPLIES	43540	\$355.17		\$355.17
52315	ALL DEPTS	SHERIFF OF JEFFERSON CO			\$36,638.44	\$36,638.44
52315	ALL DEPTS	SHERIFF OF JEFFERSON CO			\$25,568.75	\$25,568.75
52316	424	SPECTRUM FIRE PROTECTION	42469	\$200.00		\$200.00
52317	712	SEN COMMUNICATIONS	42770	\$742.22		\$742.22
52318	430	SSI SAFETY SERVICES INCORP	43798	\$2,511.78		\$2,511.78
52319	424	SHALLOW CREEK ELECTRICAL	43918	\$95.40		\$95.40
52320	425	VALLEY HARDWARE	43176	\$34.28		\$34.28
52321	INVEST	VALIC			\$100.00	\$100.00
52322	405	WEST PAYMENT CENTER	44002	\$2,193.65		\$2,193.65
52323	424	WINCHESTER EQUIP CO	43917	\$27.26		\$27.26
52324	PAYROLL	WV CPRB/LOAN DIVISION			\$31.99	\$31.99
52325	402	XEROX	43382	\$304.03		\$304.03
52325	402	XEROX	43383	\$223.15		\$223.15
TOTAL					\$36,483.11	\$190,632.53
						\$227,115.64

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$501.65
402/CCLK	CO. CLERK	\$903.24
403/CIR CLK	CIRCUIT CLERK	\$636.95
404/TAX	TAX OFFICE	
405/PA	PROS ATTY	\$3,068.77
406/ASSR	ASSESSORS	\$576.73
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	
424/CTHS	COURT HOUSE	\$1,763.05
425/OB	OTHER BUILDING	\$22,942.90
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	\$2,660.78
431/ECON DEV	ECON DEV	
439/PZ	PLANNING ZONING	
700/SHRF	SHERIFF DEPT	\$177.23
701/SHRF	SHERIFF DEPT	

704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	
712/911	911 COMMUNICATION	\$1,637.79
716/A/C	ANIMAL CONTROL	\$255.11
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	
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	\$12,376.90
982/DATA	DATA PROCESSING - IMAGING	
986/CAP/COMM	CO. COMMISSION/CAPITAL OUTLAY	
989/CAP/AGT	AG AGT/CAPITAL OUTLAY	
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
998/PRK/REC	PARKS & REC COMMUNITY CENTER	
ALL DEPTS	ALL DEPTS	\$176,939.07
ALLOC	ALLOCATIONS	
GRANTS	GRANTS	\$1,200.00
INVEST	INVESTMENTS	\$1,055.21
PAYROLL	PAYROLL	\$420.26
TOTALS		\$227,115.64

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
The County Administrator informed the Commission that according State Code a County Commissioner could not be appointed to the Building Commission. No action was taken on this matter.

In re: APPOINTMENT TO THE PROPERTY SAFETY ENFORCEMENT AGENCY
No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES
No legislative report was given this week.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION
- **REVISED BUDGET**
- **REVIEW OF DRAFT MAP**
The Commission agreed to direct the County Administrator to accept the terms of the revised budget presented by Kendig Keast.

In re: BONDING
Upon recommendation from County Engineer Roger Goodwin, motion by Surkamp, second by Corliss to approve the complete release of an escrow account for Blue Ridge Mountain Country Club, Inc. in the amount of \$7,582.20. Motion carried.
Motion by R. Morgan, second by Surkamp to extend the bond for Cedar Meadows Air Park for 2 months. Motion passed by a 3-1 vote. Commissioner Corliss voted no.

In re: PLANNING COMMISSION ACTIVITY REPORT
Sherry Kelly, Acting Chief Planner, appeared before the Commission to give the Planning Commission Activity Report. The Commission discussed a transition team meeting scheduled for tomorrow.

Ms. Kelly reported on the subdivision work session scheduled for tomorrow. Ms. Kelly also discussed the petitions for rezoning for Last Chance Used Cars and Old Standard, LLC. Mike Cassell was present and commented on Old Standard, LLC and an invitation to the Commission to tour the site.

In re: PUBLIC COMMENT

Mike Cassell on the petition for rezoning for Old Standard, LLC.

Ed Burns inquired into when the issue concerning County Commissioners and County Employees interaction would be on the agenda. The Commission informed Mr. Burns that the matter was scheduled for next week's agenda.

In re: JEFFERSON COUNTY COMMUNITY EDUCATION OUTREACH SERVICE CLUBS – CEO'S WEEK

JoAnn Viands, Secretary for the Jefferson County Community Education Outreach Service Club, appeared before the Commission to request that the Commission proclaim the week of May 20-26 as CEO's week. Motion by R. Morgan, second by Corliss to proclaim the week of May 20-26 as CEO-s week in Jefferson County. Motion carried.

In re: SHEPHERDSTOWN BATTLEFIELD TRANSPORTATION ENHANCEMENT GRANT

James Casimiro, Assistant Prosecuting Attorney, informed the Commission that the Division of Highways would not make any of the requested changes to the grant agreement for the Shepherdstown Battlefield. The Commission agreed to have Mr. Casimiro draft a Memorandum of Agreement for the Shepherdstown Battlefield Association outlining the terms that the Commission would like them to agree to.

In re: DISCUSS ACCOUNTING FOR POSSIBLE \$37,000 DISCREPANCY BETWEEN VIDEO LOTTERY REVENUES RECEIVED (ACCORDING TO RECORDS OF WV VIDEO LOTTERY COMMISSION) AND THE PUBLISHED AMOUNT IN VIDEO LOTTERY ACCOUNTS IN ANNUAL PUBLISHED GENERAL FUNDS FROM FY 1998 AND JULY 1, 2006

Motion by Surkamp, second by Corliss to ask the County Administrator to provide an explanation of a possible discrepancy of Video Lottery Funds. The Commission did not vote on the motion but agreed to have the County Administrator look into the matter.

In re: PAM PARZIALE - FUNDING FOR THE ARTS

Pam Parziale, from the Arts and Humanities Alliance of Jefferson County, appeared before the Commission to request funding from the Hotel/Motel Occupancy Tax funds. The Commission agreed to take the matter under advisement as they consider increasing the Hotel/Motel Occupancy Tax.

In re: GAIL BANFIELD - CHARLES TOWN MIDDLE SCHOOL DESTINATION IMAGINATION TEAMS - REQUEST FOR FUNDING TO ATTEND GLOBALS

Gail Banfield and Jenna Smith appeared before the Commission to request funding in order to send the Destination Imagination Teams from Charles Town Middle School to the Global competition. After discussion, motion by Corliss, second by Surkamp to provide funding for the Destination Imagination Teams from Charles Town Middle School to attend the Global competition in the amount of \$7,350. Motion carried.

The Commission took a break at 10:45 a.m. The Commission reconvened at 11:00 a.m.

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

- ELECTION UPDATE

Ms. Maghan updated the Commission on the upcoming Special Election.

- REQUEST SIGNATURES FOR HAVA LOAN AGREEMENT FOR M100'S AND PRECINCT CAGES (IN CONJUNCTION WITH RESOLUTION SIGNED LAST WEEK)

Ms. Maghan requested that the Commission sign the HAVA Loan Agreement for the M100's and

Precinct Cages. Dr. Gary Greenhall, from ES&S, appeared with Ms. Maghan to provide information on the election equipment. The Commission discussed the possibility of using the space saver ballot box. After discussion, the Commission agreed to table this matter until next week.

- **END OF MONTH REPORT**

Ms. Maghan gave an End of Month Report for the County Clerk's office.

In re: LEGAL UPDATE AND REPORT

James Casimiro, Assistant Prosecuting Attorney, reported on the Building Commission appointment, membership numbers on the Development Authority and the Hotel/Motel Occupancy Tax. Mr. Casimiro also reported on Old Business #12 (The Village at Samuel Street - Request Assignment of Bond Estimate). The Commission agreed to have Mr. Casimiro prepare the document to reassign the bond estimate.

Mark Schiavone appeared before the Commission during this portion of the agenda concerning a check that was received as per a court order. After discussion and comments from Stephanie Grove, Assistant Prosecuting Attorney, motion by R. Morgan, second by Corliss to direct staff to prepare correspondence to the Board of Education requesting them to provide the County with a letter requesting release of the funds in the amount of \$695,469 as per the court order. Motion carried.

As requested by Stephanie Grove, motion by Surkamp, second by Corliss to enter into Executive Session to discuss pending litigation as provided by Peters vs. Wood County and also to discuss personnel matters as provided by State Code. Motion carried.

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

No action was taken during or after Executive Session.

The Commission recessed until 1:30 p.m.

In re: DISCUSS ACCOUNTING FOR FUNDS IN ANIMAL CONTROL DEPARTMENT

Commissioner Surkamp deferred this matter until next week.

In re: DISCUSS ACCOUNTING FOR FUNDS IN DPZE AS RECOMMENDED BY DPZE TRANSITION TEAM REPORT

Motion by Corliss, second by R. Morgan to direct the County Administrator to work with the Department Heads in the Department of Planning and Zoning and the Department of Engineering concerning the fees and funds collected in those departments for this fiscal year. Motion passed by a 3-1 vote. Commissioner Surkamp voted no.

In re: LOCATION OF REDMAN'S OFFICE (OLD BUSINESS #10)

KIRK DAVIS: DISCUSSION OF OFFICE SPACE IN DEPARTMENT OF PLANNING (NEW BUSINESS #10)

Kirk Davis and Sherry Kelly appeared before the Commission to discuss office space in the Planning Department. Mr. Davis presented the Commission with a proposed plan for the office space in the Planning Department. After discussion, the Commission unanimously consented to the plan presented by Mr. Davis.

In re: HOTEL OCCUPANCY TAX

After discussion, motion by Corliss, second by R. Morgan to advertise for a public hearing to increase the Hotel/Motel Occupancy Tax to 6%. Motion carried.

In re: EXECUTIVE SESSION - PERSONNEL MATTERS

Bill Polk, Maintenance Director, appeared before the Commission as requested by Commissioner F. Morgan. Commissioner F. Morgan inquired into the status of the repair to the railings on the St. Margaret's Building. Mr. Polk informed the Commission that the railings were on order and should arrive soon. Commissioner F. Morgan also requested an Executive Session to discuss a personnel matter with Mr. Polk. Mr. Polk inquired into the reason for the Executive Session. Commissioner F. Morgan informed Mr. Polk that the prior incident between a County Commissioner and Mr. Polk had not been investigated by the Commission and no factual determinations had been made by the Commission. Commissioner Corliss informed Commissioner F. Morgan of correspondence received from Sheriff Boober last week informing the

Commission that an investigation was being conducted by the Sheriff's office. For the record, Mr. Polk consented to this discussion in public session.

In re: DISCUSSION - SETTING UP SEARCH COMMITTEE FOR HR DIRECTOR HIRE

Motion by Corliss, second by Surkamp to have the County Administrator advertise for the Human Resources Director position and provide the Commission with a copy of the ad after advertising. Motion carried.

In re: BONDING ADMINISTRATOR POSITION

The Commission discussed the proposal to have Becky Burns placed in the position as Bonding Administrator in the County Commission office. The Commission agreed to receive input from Roger Goodwin on the matter.

In re: LETTER FROM ANTHONY D. REDMAN ACCEPTING POSITION AS LONG RANGE PLANNER

The Commission discussed the letter received from Anthony D. Redman accepting the position as Long Range Planner.

In re: CORRESPONDENCE FROM BERKELEY COUNTY COMMISSION PROPOSING A SUMMIT ON LEGISLATIVE ISSUES BE HELD WITH THE THREE EASTERN PANHANDLE COUNTIES IN JUNE OR JULY 2007

The Commission agreed to send correspondence to Berkeley County to inform them that the Commission is agreeable to attending a summit on legislative issues in July.

In re: PROPERTY SAFETY ORDINANCE AMENDMENT

After discussion, motion by R. Morgan, second by F. Morgan to have the County Administrator send a memo to Roger Goodwin to authorize him to proceed with the process to amend the Property Safety Ordinance to adjust the number of monthly meetings. Motion carried.

In re: PROPERTY SAFETY CASE #06-001A&B UPDATE - BETTY R. GRAHAM

After discussion and comments from Fred Blackmer, motion by R. Morgan, second by F. Morgan to reaffirm the Commission's previous actions regarding the Property Safety Case #06-001A&B, Betty R. Graham, to send the case to the Prosecuting Attorney's office to go to the Circuit Court. Motion carried.

In re: VLT NON PROFIT BUDGET DISTRIBUTION FOR FISCAL YEAR 2008

The County Administrator requested that the Commission review the list of VLT Non-profit budget distributions for Fiscal Year 2008. The Commission agreed to table the matter for one week.

In re: EMPG 2007 GRANT APPLICATION WITH THE WEST VIRGINIA DIVISION OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT (DHSEM)

Motion by R. Morgan, second by Corliss to approve the EMPG 2007 grant application with the West Virginia Division of Homeland Security and Emergency Management in the amount of \$69,477 and to authorize the President's signature on the application. Motion carried.

In re: CREO PLANT - REPORT AND SOLICIT COMMISSIONER'S COMMENTS

The Commission discussed the CREO Plant in Middleway. No action was taken on this matter.

In re: MARK SCHIAVONE - REQUEST FOR CAPITAL PROJECTS COORDINATING COMMITTEE MEETING DATE

Mark Schiavone appeared before the Commission to discuss setting a meeting date for the Capital Projects Coordinating Committee. The Commission agreed to setting the meeting for the afternoon of Thursday, June 7, 2007.

In re: BLASTING ORDINANCE

Commissioner F. Morgan deferred this matter until next week.

In re: BURCH MINOR SUBDIVISION - STATUS OF REQUIRED WORK

Commissioner F. Morgan deferred this matter until next week.

In re: SUMMER INTERNS

Commissioner F. Morgan deferred this matter until next week.

In re: COUNTY COMMISSION REPORTS

Commissioner Morgan discussed calling a meeting of the TDR Committee. The County Administrator agreed to set up the meeting for Tuesday, May 8, 2007, at 1:30 p.m.

In re: DISPENSE WITH READING OF THE MINUTES - CONTINUED

The Commission revisited the approval of the minutes after receiving the corrections made by staff as requested by Commissioner F. Morgan. Motion by R. Morgan, second by F. Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, April 26, 2007, and to approve the Minutes as amended. Motion carried.

In re: COUNTY ADMINISTRATOR

The County Administrator informed the Commission that the surveys requested by GIS Coordinator, Todd Fagan, were due tomorrow.

The County Administrator informed the Commission that the jail cells had been removed from the jail building and were being temporarily housed at the new building in Bardane until the Commission determines their permanent location.

The County Administrator informed the Commission of a phone call received yesterday afternoon from Morgan Financial concerning a letter that was sent to Guardian by the County Clerk's Finance Office rescinding Morgan Financial as agent of record. Steve Gibson appeared before the Commission to comment on the matter. After discussion, the Commission directed the County Administrator to correct the matter by sending a fax to Guardian to restore Morgan Financial as the agent of record.

The Commission received the following information:

Reminder of Meeting with Elected Officials and Department Heads on Wednesday, May 9, 2007, at 1:30 PM in the Old Charles Town Library Meeting Room

Correspondence from the West Virginia Association of Counties Concerning Nominations for NACo Steering Committees

Correspondence from Sherry Kelly, Acting Chief Planner/Zoning Administrator Concerning Subdivision Work Sessions on Friday, May 4, 2007 - Site Plan Review - Potomac Metals, Inc., Community Impact Review - Allstadt's Corner

Correspondence from Sheriff Ed Boober Concerning Regional Jail Costs

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

Correspondence from Mark Schiavone, Impact Fee Coordinator, Concerning the Comprehensive Plan Update Schedule

Correspondence from Hali Taylor, Director of the Shepherdstown Public Library, Expressing Gratitude for the Increase in Operating Funds

Acceptance of bond for Charles Town Self Storage in the amount of \$38,088.00

Invitation from J. Michael Cassell, Esq., Counsel for Old Standard Quarry, to provide a tour of the Old Standard Quarry property

Interim report on Transportation Impact Fees received from Mark Schiavone.

April 2007 Impact Fee Status report received from Mark Schiavone.

CORRESPONDENCE

Correspondence received concerning the Danley horses

Correspondence received from John F. Piwowarski concerning Civil Action case 87-C-383.

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

FRANCES B. MORGAN, COMMISSION PRESIDENT