

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 10, 2007, beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Corliss, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, May 3, 2007, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel second by Corliss to approve the following Purchase Orders for the Week of May 7, 2007, totaling \$126,022.67: 43778, 44048, 44070, 43934, 43652, 44080, 43804, 44101, 44102, 44103, 44104, 44105, 44107, 44108, 43935, 43936, 43937, 43656, 43662, 43663, 43664 and 43940. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Manuel, second by Corliss to approve the list of the Accounts Payable dated May 10, 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
52329	425	ALLEGHENY POWER			\$968.31	\$968.31
52330	425	ARCH WIRELESS	42917	\$176.29		\$176.29
52330	700	ARCH WIRELESS	42918	\$322.92		\$322.92
52331	425	B-K OFFICE SUPPLY INC	43928	\$363.89		\$363.89
52332	425	BOLAND SERVICES	43473	\$593.00		\$593.00
52332	424	BOLAND SERVICES	43758	\$385.00		\$385.00
52333	425	CHARLES TOWN LOCK & KEY	43930	\$229.50		\$229.50
52334	402	WV ASSOC OF COUNTY CLERKS	44045	\$325.00		\$325.00
52335	700	CREAMERS AUTO SERVICE	43932	\$738.74		\$738.74
52336	712	CITY OF RANSON			\$1,145.00	\$1,145.00
52337	978	DELL MARKETING LP	44001	\$1,363.70	\$0.00	\$1,363.70
52338	439	DOMINION POST	43653	\$406.09	\$0.00	\$406.09
52339	412	SHANNA D. NICODEMUS			\$382.69	\$382.69
52340	712	NANCY DOPSON			\$7.05	\$7.05
52341	443	DELTA SIGMA PI			\$260.00	\$260.00
52342	712	EARTHLINK INC			\$21.95	\$21.95
52343	425	J.C.EHRLICH			\$319.00	\$319.00
52343	424	J.C.EHRLICH			\$28.00	\$28.00
52345	430	FIFTH THIRD BANK	43794	\$259.38	\$0.00	\$259.38

52345	960	FIFTH THIRD BANK	40710	\$256.59	\$0.00	\$256.59
52345	711	FIFTH THIRD BANK			\$48.99	\$48.99
52345	711	FIFTH THIRD BANK			\$30.37	\$30.37
52345	711	FIFTH THIRD BANK			\$483.27	\$483.27
52345	424	FIFTH THIRD BANK			\$121.14	\$121.14
52345	711	FIFTH THIRD BANK			\$52.95	\$52.95
52345	711	FIFTH THIRD BANK			\$329.95	\$329.95
52345	402	FIFTH THIRD BANK			\$29.95	\$29.95
52345	711	FIFTH THIRD BANK			\$90.83	\$90.83
52345	430	FIFTH THIRD BANK			\$188.95	\$188.95
52345	430	FIFTH THIRD BANK			\$55.06	\$55.06
52345	712	FIFTH THIRD BANK			\$448.30	\$448.30
52345	711	FIFTH THIRD BANK			\$277.41	\$277.41
52345	439	FIFTH THIRD BANK			\$225.00	\$225.00
52345	712	FIFTH THIRD BANK			\$95.42	\$95.42
52346	439	HAGERSTOWN COMM COLLEGE	43660	\$99.00	\$0.00	\$99.00
52347	401	ICDI			\$7,350.00	\$7,350.00
52348	401	IKON OFFICE SOLUTIONS			\$247.50	\$247.50
52349	412	JEFFERSON PUBLISH CO INC	42415	\$21.62		\$21.62
52349	439	JEFFERSON PUBLISH CO INC	43654	\$1,267.29		\$1,267.29
52350	439	KENDIG KEAST			\$2,044.07	\$2,044.07
52351	402	LEXISNEXIS/MATTHEW BENDER	44050	\$78.70		\$78.70
52352	412	JUDITH A MATLICK			\$1,142.61	\$1,142.61
52353	712	MSAG DATA CONSULTANTS INC			\$900.00	\$900.00
52353	712	MSAG DATA CONSULTANTS INC			\$896.38	\$896.38
52354	700	MCKINNEY'S AUTO REPAIR	43931	\$140.24		\$140.24
52355	406	PRINT-O-STAT	43895	\$62.13	\$0.00	\$62.13
52356	424	WILLIAM POLK		\$0.00	\$23.54	\$23.54
52357	425	RODGERS CLOCK SERVICE	43905	\$190.00		\$190.00
52358	425	ROACH OIL COMPANY			\$182.22	\$182.22
52359	223	STATE DPT O/TAX & REVENUE			\$32,763.78	\$32,763.78
52359	223	STATE DPT O/TAX & REVENUE			\$17.11	\$17.11
52360	712	SEN COMMUNICATIONS	44078	\$42.70	\$0.00	\$42.70
52361	424	SHENANDOAH AIR COND/HTNG	43929	\$429.30	\$0.00	\$429.30
52362	425	HAGEMEYER NORTH AMERICA	43777	\$2,962.94	\$0.00	\$2,962.94
52362	424	HAGEMEYER NORTH AMERICA	43486	\$4,538.25	\$0.00	\$4,538.25
52363	711	US CELLULAR			\$147.11	\$147.11
52364	982	UNITED SYSTEMS & SOFTWARE			\$321.00	\$321.00
52365	716	VALLEY PET CEMETERY			\$213.00	\$213.00
52366	412	CRAIG W YOHN			\$416.16	\$416.16
TOTALS				\$15,252.27	\$52,274.07	\$67,526.34

Dept	Name	Dept Amt.
425/OB	OTHER BUILDING	\$10,523.40
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	\$503.39
431/ECON DEV	ECON DEV	

439/PZ	PLANNING ZONING	\$4,041.45
700/SHRF	SHERIFF DEPT	\$1,201.90
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$1,460.88
712/911	911 COMMUNICATION	\$3,556.80
716/A/C	ANIMAL CONTROL	\$213.00
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	\$256.59
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	\$1,363.70
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	
982/DATA	DATA PROCESSING - IMAGING	\$321.00
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	\$32,780.89
ALLOC	ALLOCATIONS	
GRANTS	GRANTS	\$260.00
INVEST	INVESTMENTS	
PAYROLL	PAYROLL	
TOTALS		\$67,526.34

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 matter.

In re: APPOINTMENT TO THE PROPERTY SAFETY ENFORCEMENT AGENCY

No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

The Commission discussed meetings held in Charleston regarding annexations. Commissioner R. Morgan informed the Commission that there was representation from Jefferson County at the meeting. Commissioner Manuel said he would contact Carrie Webster, Judiciary Committee Chairperson and would report back to the Commission with more information.

In re: BONDING

Upon recommendation from County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve the complete release of an escrow account for First Charles Town Group, Inc. in the amount of \$107,492.00. Motion carried.

In re: PLANNING COMMISSION ACTIVITY REPORT

Sherry Kelly, Acting Chief Planner, appeared before the Commission to give the Planning Commission Activity Report. Ms. Kelly reported on the Planning Commission meeting that was held on Tuesday, May 8, 2007. Ms. Kelly informed the Commission that the Planning Commission said that Last Used Cars request for rezone is compatible with the Comprehensive Plan. Ms. Kelly informed the Commission that there would be a public hearing on June 5, 2007 at 7 p.m. location to be announced regarding the Old Standard Quarry request for a rezone.

In re: PUBLIC COMMENT

Fred Salto commented on the water drainage and ditch issues on his property.

**In re: RATTLESNAKE RUN, INCORPORATED ACCESS ROAD
DISCUSSION OF RATTLE SNAKE RUN ACCESS ROAD WITH COUNTY ENGINEER**

Mike Cassell, Esquire appeared before the Commission to discuss the construction bonds for the Rattlesnake Run road access. The Commission discussed this matter with Roger Goodwin, Chief County Engineer and Kirk Davis, Construction Manager. Mr. Davis informed the Commission that he had visited the site this morning and reported on the status of the construction and reported that it is in proper order at this time. Mike Cassell informed the Commission that he would be glad to work with the home owners and developers.

**In re: ROGER GOODWIN - ADMINISTRATIVE ASSISTANT & BONDING ADMINISTRATOR
POSITION**

Roger Goodwin, Chief County Engineer, appeared before the Commission and requested that Becky Burns work for him permanently in the Engineering Office and have her be the Administrative Assistant/Bonding Administrator.

Motion by Corliss, second by R. Morgan to approve the recommendation made by Roger Goodwin to have Becky Burns work for him permanently in the Engineering Office and have her be the Administrative Assistant/Bonding Administrator.

Motion by Manuel, second by F. Morgan to ask Ms. Burns to appear before the Commission to give her decision to the Commission. Motion carried by a 3-2 vote. Commissioners Corliss and Surkamp voted no.

In re: TONY REDMAN AGENDA ITEM APPOINTMENT FOR THURSDAY

No action was taken on the agenda item.

In re: MARK SCHIAVONE - COMMERCIAL IMPACT FEE UPDATE

Mark Schiavone, Director/Impact Fee Coordinator appeared before the Commission to give an update/status report on the commercial impact fees.

The Commission took a break at 10:40 a.m. The Commission reconvened at 11:00 a.m.

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

- Request signatures for HAVA loan agreement for M100's and Precinct Cages (in conjunction with Resolution signed last week)
- Elections Update
- M100 and AutoKart
- Preliminary procedural outline for returning ballots to court house on election night
- Request: Signature of Commissioners authorizing Jefferson County to enter 5-year interest free loan agreement with the WVSOS

Jennifer S. Maghan, County Clerk appeared before the Commission to discuss the interest free loan agreement with the WVSOS and the precinct cages. Joe Wilson, Casto & Harris was present and explained the use of the metal precinct carts.

Motion by Manuel, second by Corliss to table this matter until next week and to gather information from the County Clerk regarding transportation costs of the carts. Motion failed by a 2-3 vote. Commissioners F. Morgan, R. Morgan and Surkamp voted no.

Motion by Surkamp, second by Corliss to approve the Resolution as submitted by the County Clerk in the amount of \$117,350.50 for the purchase of the 36 M-100s and carts. Motion passed by a 3-2 vote. Commissioners R. Morgan and Manuel voted no.

In re: BONDING ADMINISTRATOR - CONTINUED

Becky Burns appeared before the Commission to discuss the Bonding Administrator position. Ms. Burns informed the Commission that she would like to have the position of Bonding Administrator.

Motion by Manuel to establish and create the position of Bonding Administrator and to have Ms. Burns fill that position. Commissioner Manuel amended his motion to add that Ms. Burns be transferred to that position. Motion failed due to the lack of a second.

After further discussion, original motion by Corliss, second by R. Morgan to approve the recommendation made by Roger Goodwin to have Becky Burns work for him permanently in the Engineering Office and have her be the Administrative Assistant/Bonding Administrator. Motion carried.

In re: LEGAL UPDATE AND REPORT

Mike Thompson, Prosecuting Attorney appeared before the Commission to give the legal update and report.

Motion by Corliss, second by Manuel to enter into Executive Session to discuss pending litigation as provided by Peters vs. Wood County. Motion carried.

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

The County Commission reconvened at 1:15 o'clock p.m. in the Old Charles Town Library meeting room.

**In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION
- REVIEW OF DRAFT MAP**

The Commission discussed the draft maps and agreed to meet with Kendig Keast in the middle of June.

In re: SHEPHERDSTOWN BATTLEFIELD TRANSPORTATION ENHANCEMENT GRANT

No action was taken on the agenda item.

In re: DISCUSS ACCOUNTING FOR FUNDS IN ANIMAL CONTROL DEPARTMENT

The Commission agreed to remove this item from the agenda. No action was taken.

In re: COUNTY COMMISSION GIS WORKSHOP

Todd Fagan, GIS Specialist and Jeff Polczynski, Director of Communications appeared before the Commission to hold a GIS workshop.

In re: THE VILLAGE AT SAMUEL STREET - REQUEST ASSIGNMENT OF BOND ESTIMATE

No action was taken on this agenda item. The Commission is waiting for Mr. Casimiro to prepare the document to reassign the bond estimate for The Village at Samuel Street.

**In re: DISCUSSION - SETTING UP SEARCH COMMITTEE FOR HR DIRECTOR HIRE
UPDATE: HIRING OF HR DIRECTOR**

Motion by Corliss, second by R. Morgan to approve the ad for the hire of an HR Director with changes made and the deadline to apply would be June 15th, 2007. Motion carried.

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

The Commission reviewed a draft distribution document for the VLT non profit budget for Fiscal Year 2008.

In re: BLASTING ORDINANCE

The Commission agreed to remove this item from the agenda.

In re: BURCH MINOR SUBDIVISION - STATUS OF REQUIRED WORK

Kirk Davis, Construction Manager gave a status report on the required work for the Burch Minor Subdivision.

In re: GROVE & DALL'OLIO ARCHITECTS - CHANGE ORDER 001 - ROCKWELL CONSTRUCTION

Motion by Manuel, second by R. Morgan to approve the change Order 001 - Rockwell Construction. Motion carried.

In re: UPDATE ON NEGOTIATIONS FOR A POOL ARCHITECT

Kirk Davis, Construction Manager gave an update on the negotiations for a pool architect. Motion by Manuel, second by R. Morgan to move forward with negotiations for a pool architect. Motion carried.

In re: COUNTY COMMISSION WORKSHOP - HUGH BEVANS - USGS MONITORING PROPOSAL

The Commission held a workshop with Hugh Bevans - USGS Monitoring Proposal. For the record, Carol Boughton and Mark Kozar were present for the workshop.

In re: SUMMER INTERNS

The Commission agreed to review this agenda item at a later date.

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

The Commission discussed the Resolution prepared by Michael D. Thompson regarding appropriate interface with County Commissioners, County Employees and Volunteers. Motion by Corliss, second by Manuel to approve the Resolution and to place it into the Commission file.

Amended motion by Surkamp, second by F. Morgan to approve the Resolution and to delete paragraph #5. Motion failed by a 2-3 vote. Commissioners Manuel, R. Morgan and Corliss voted no. Original motion by Corliss, second by Manuel to approve the Resolution and to place it into the Commission

file. Motion passed by a 3-2 vote. Commissioners F. Morgan and Surkamp voted no.

In re: BARKING DOG ORDINANCE DISCUSSION

The Commission agreed to place this matter on the agenda when Brandy Sims, Assistant Prosecuting Attorney returns back to work.

In re: FIDUCIARY COMMISSIONER POSITION - CARMELA CESARE - REQUEST FOR APPOINTMENT

Motion by R. Morgan, second by Manuel to appoint Carmela Cesare as Fiduciary Commissioner. Motion carried.

In re: BUREAU OF PUBLIC HEALTH REQUEST FOR LEASE RENEWAL FOR 1 YEAR AT THE JEFFERSON COUNTY PUBLIC SERVICE CENTER

Motion by R. Morgan, second Manuel to approve the Lease Renewal for the Bureau of Public Health at the Jefferson County Public Service Center for 1 year. Motion carried.

In re: SET A TIME AND LOCATION FOR A TOWN MEETING IN THE MOUNT MISSION AREA

The Commission discussed setting a date and location for a town meeting in the Mountain Mission area. After discussion, the Commission agreed to have legal counsel review this matter.

In re: DISCUSSION RESOLVING BOOKKEEPING INCONSISTENCIES AND ERRORS

Leslie D. Smith, County Administrator discussed resolving the bookkeeping inconsistencies and errors. The Commission agreed to have Leslie Smith move forward and to meet with Cox Hollida and come back to the Commission with a recommendation.

In re: CLARIFICATION OF LAST MEETING'S DISCUSSION RE COMMUNICATIONS WITH GUARDIAN INSURANCE

Commissioner Surkamp asked what happened at last week's meeting regarding communications with Guardian Insurance. Leslie Smith, County Administrator explained what happened regarding a letter that Steve Gibson, Deputy Chief Finance Clerk sent to Morgan Financial. No action was taken on this agenda item.

In re: TRANSMISSION TOWER/EMINENT DOMAIN CONCERN FOR THE COUNTY

Commission Surkamp discussed that Allegheny Power may be placing a transmission tower in Jefferson by using Eminent Domain. The Commission agreed to place this item on next week's agenda.

In re: REQUIRING PSD TO PROVIDE PLANNING COMMISSION WITH CURRENT ALLOCATION REPORT FOR CIS REVIEW

The Commission agreed to place this item on next week's agenda.

In re: FURTHER DISCUSSION: USES FOR HOTEL/MOTEL TAX

The Commission discussed the uses for Hotel/Motel taxes. The Commission will be holding a public hearing on June 14th, 2007 at 1:30 to hear comments regarding the increase in the Hotel/Motel tax.

In re: KEEPING COUNTY WEBSITE CURRENT

Commissioner Surkamp informed the Commission that this agenda item had been taken care of and would like to remove it from the agenda. The Commission agreed to remove this item from the agenda.

In re: BILL POLK - RECOMMENDATION FOR EMPLOYMENT OF MAINTENANCE MECHANIC

The Commission agreed to place this item on next week's agenda.

In re: BILL POLK - ENERGY MANAGEMENT SYSTEM BID

Bill Polk, Maintenance Director appeared before the Commission to discuss the Energy Management System Bids. After discussion, motion by Corliss, second by Manuel to approve the bid received from Boland and to have Mr. Polk negotiate with Boland to receive a contract. Motion carried.

In re: OFFER FOR TOUR OF OLD STANDARD QUARRY PROPERTY

For the record, the Commission received offers to tour the Old Standard Quarry Property. The Commission directed that Leslie Smith, County Administrator ask legal counsel for an opinion regarding the offers that the Commission received to tour the Old Standard Quarry Property.

In re: COUNTY COMMISSION REPORTS

Commissioner R. Morgan commented on the resignation of Toni Milbourne, Jefferson County Parks and Recreation Commission. The Commission agreed to send a letter to Ms. Milbourne declining her resignation and asking if she would continue to serve as a member of the Jefferson County Parks and Recreation Commission.

The Commission received the following information:

Reminder the County Commission will meet in the Old Charles Town Library meeting room beginning May 17, 2007 through June 21, 2007.

Correspondence received from the United States Department of Interior regarding The Refuge Revenue Sharing Act.

May 2007 Stage Whispers Newsletter received from the Old Opera House.

Correspondence received from Tom Christoffel regarding the Open House Science on a Sphere registration.

Letter of resignation received from Toni Milbourne from the Jefferson County Parks and Recreation Commission.

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

Notice received from Loudoun County Virginia Department of Planning regarding a May 21, 2007 public hearing on a Comprehensive Plan Amendment.

Correspondence received from WV Department of Transportation regarding the availability of Safe Routes to School Program Grants for Fiscal Year 2008.

Correspondence received from the City of Martinsburg regarding implementation of the HOME Program for Fiscal Year 2007.

Notice of Science on the Sphere cancellation received from Tom Christoffel.

1991 Comcast Franchise Agreement received from Robert Rodecker, Esquire.

1991 Non-Exclusive Franchise Agreement received from Robert Rodecker, Esquire.

Notice of June 7, 2007 Capital Projects Oversight Committee meeting received from Mark Schiavone.

Memorandum received from the Department of Capital Planning and Management regarding Transfer of Funds from Department of Impact Fees General Account to Sheriff's School Impact Fee Account.

Memorandum received from the Department of Capital Planning and Management regarding Transfer of Funds from Department of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.

Memorandum received from the Department of Capital Planning and Management regarding Transfer of Funds from Department of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.

Memorandum received from the Department of Capital Planning and Management regarding Transfer of Funds from Department of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.

May 2007 Community Bulletin received from Harpers Ferry National Historical Park.

Correspondence received from the United States Department of the Interior Fish & Wildlife Service regarding payments in lieu of taxes.

Correspondence received from the Department of Health & Human Resources Bureau for Public Health Office of Environmental Health Services regarding Notification of Available funds through the 2008 Local Wellhead Protection Grant for Community Water Systems.

Correspondence received from the United States Bankruptcy Court for the Northern District of West Virginia Martinsburg Division regarding case no: 3:06-BK-00820 Tackley Mills, L.L.C. v. S.F.C., L.L.C.

CORRESPONDENCE

Correspondence received from Charles P. Mazaleski regarding the June 9, 2007 Special Election.

Correspondence received from Dave & Rita Cross regarding Dennis B. Danley's horses.

Correspondence received from Kelly Delesandro-McNully regarding Dennis B. Danley's horses.

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

PRESIDENT