

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 24, 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

In re: PLEDGE OF ALLEGIANCE

Commissioner F. Morgan conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Manuel, second by R. Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, May 17, 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 May 21, 2007, totaling \$35,986.91: 43826, 43828, 43830, 44042, 44061, 44072, 44120, 43661, 44083, 44109, 43949, 44119, 44118, 44116, 43600, 43959, and 43953. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by R. Morgan, second by Manuel to approve the list of the Accounts Payable dated May 24, 2007 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

| CHCKNO | DEPT | VENDOR | PONU M | POAMT | NOAMT | CHECK_AMOUNT |
|--------|------|------------------------|-----------|--------------|-------------|--------------|
| 052492 | 424 | ALLEGHENY POWER | | | \$ 1,192.70 | \$ 1,192.70 |
| 052492 | 425 | ALLEGHENY POWER | | | \$ 4,170.26 | \$ 4,170.26 |
| 052493 | 405 | ACCURATE SYSTEMS INC | 44006 | \$ 507.98 | \$ - | \$ 507.98 |
| 052494 | 712 | ARCH WIRELESS | | | \$ 419.55 | \$ 419.55 |
| 052495 | 712 | AERIALS EXPRESS | 42431 | \$ 10,325.00 | \$ - | \$ 10,325.00 |
| 052496 | 700 | AMERA-CHEM, INC. | 43596 | \$ 59.45 | \$ - | \$ 59.45 |
| 052497 | 425 | B-K OFFICE SUPPLY INC | 43942 | \$ 401.20 | \$ - | \$ 401.20 |
| 052497 | 976 | B-K OFFICE SUPPLY INC | 43825 | \$ 267.50 | \$ - | \$ 267.50 |
| 052498 | 430 | CARROTT-TOP INDUSTRIES | 43803 | \$ 192.79 | \$ - | \$ 192.79 |
| 052499 | 439 | CREAMERS AUTO SERVICE | 43945 | \$ 12.00 | \$ - | \$ 12.00 |

| | | | | | | |
|--------|-----------|----------------------------|-----------|--------------|--------------|---------------|
| 052500 | 712 | VERIZON | | | \$ 150.00 | \$ 150.00 |
| 052501 | 439 | MASON CARTER | | | \$ 9.10 | \$ 9.10 |
| 052502 | 430 | CHANNING BETE CO. | 44102 | \$ 698.72 | \$ - | \$ 698.72 |
| 052503 | 403 | DANKA OFFICE IMAGING | 43824 | \$ 2,577.96 | \$ - | \$ 2,577.96 |
| 052503 | 405 | DANKA OFFICE IMAGING | 44004 | \$ 298.58 | \$ - | \$ 298.58 |
| 052504 | 430 | DELL MARKETING LP | 43802 | \$ 9,792.86 | \$ - | \$ 9,792.86 |
| 052505 | 425 | DAYCON | 43941 | \$ 569.96 | \$ - | \$ 569.96 |
| 052506 | 712 | NANCY DOPSON | | | \$ 9.65 | \$ 9.65 |
| 052507 | GRAN T | FOCUS | | | \$ 200.00 | \$ 200.00 |
| 052508 | 716 | FARM PLAN/SOUTHERN STATE | 43701 | \$ 55.77 | \$ - | \$ 55.77 |
| 052509 | 403 | GREENLINE DATA INC. | 43822 | \$ 124.05 | \$ - | \$ 124.05 |
| 052510 | 439 | HAGERSTOWN COMM COLLEGE | 44117 | \$ 99.00 | \$ - | \$ 99.00 |
| 052511 | 700 | HUNTZMAN ENTERPRISES | 43593 | \$ 910.00 | \$ - | \$ 910.00 |
| 052512 | 401 | COX HOLLIDA LLP | | | \$ 10,000.00 | \$ 10,000.00 |
| 052513 | 439 | JEFFERSON PUBLISH CO INC | 43665 | \$ 38.43 | \$ - | \$ 38.43 |
| 052514 | 425 | THE JOURNAL | 43944 | \$ 307.87 | \$ - | \$ 307.87 |
| 052515 | 808 | JEFFERSON CO. SOLID | | | \$ 3,105.78 | \$ 3,105.78 |
| 052516 | 700 | JEFFERSON URGENT CARE LL | 43870 | \$ 50.00 | \$ - | \$ 50.00 |
| 052517 | 712 | DR. ROBERT JONES | | | \$ 1,000.00 | \$ 1,000.00 |
| 052518 | 439 | HAINES KIMBLE | | | \$ 150.00 | \$ 150.00 |
| 052519 | 401 | ARCHIBALD M.S. MORGAN | | | \$ 63.05 | \$ 63.05 |
| 052520 | 700 | MCKINNEY'S AUTO REPAIR | 43946 | \$ 29.95 | \$ - | \$ 29.95 |
| 052521 | 430 | MEDCO | 43797 | \$ 119.00 | \$ - | \$ 119.00 |
| 052522 | 403 | PATRICIA A NOLAND | | | \$ 328.53 | \$ 328.53 |
| 052523 | 405 | NATL LEGAL RESEARCH GROU | 44005 | \$ 4,992.90 | \$ - | \$ 4,992.90 |
| 052524 | 712 | **NAT'L ACDMY O/EMERGENC | 43852 | \$ 225.00 | \$ - | \$ 225.00 |
| 052525 | 439 | PRINT-O-STAT | 43655 | \$ 163.40 | \$ - | \$ 163.40 |
| 052526 | 425 | REID'S ELEVATOR SERVICE | 42713 | \$ 198.50 | \$ - | \$ 198.50 |
| 052527 | 439 | TONY REDMAN | | | \$ 6,259.46 | \$ 6,259.46 |
| 052528 | 405 | SPECIALTY BUS SUPPLIES | 44008 | \$ 353.30 | \$ - | \$ 353.30 |
| 052529 | 405 | STAPLES CREDIT PLAN | 44007 | \$ 149.97 | \$ - | \$ 149.97 |
| 052530 | 408 | STATE TAX DEPT | | | \$ 10,421.67 | \$ 10,421.67 |
| 052531 | 700 | STEWARTS MEN'S WEAR | 43599 | \$ 84.00 | \$ - | \$ 84.00 |
| 052532 | 424 | SPRINT | | | \$ 168.05 | \$ 168.05 |
| 052532 | 439 | SPRINT | | | \$ 479.57 | \$ 479.57 |
| 052532 | 712 | SPRINT | | | \$ 915.31 | \$ 915.31 |
| CHCKNO | DEPT | VENDOR | PONU M | POAMT | NOAMT | CHECK_AMOUNT |
| 052533 | 439 | THOMASSEN FORD MERCURY | 43947 | \$ 565.35 | \$ - | \$ 565.35 |
| 052533 | 700 | THOMASSEN FORD MERCURY | 43948 | \$ 92.70 | \$ - | \$ 92.70 |
| 052534 | 424 | US POSTAL SERVICE | | | \$ 20,000.00 | \$ 20,000.00 |
| 052535 | 425 | VALLEY HARDWARE COMPANY | 43698 | \$ 57.19 | \$ - | \$ 57.19 |
| 052536 | 700 | WAHL BUSINESS SOLUTIONS | 43598 | \$ 153.62 | \$ - | \$ 153.62 |
| 052537 | 711 | WILLIAMS MOTOR PARTS, IN | 43705 | \$ 173.73 | \$ - | \$ 173.73 |
| 052538 | 700 | WEST VIRGINIA UNIFORM-52 | 43597 | \$ 1,004.45 | \$ - | \$ 1,004.45 |
| 052539 | 405 | WV PROS.ATTORNEYS ASSOC. | 44009 | \$ 1,325.00 | \$ - | \$ 1,325.00 |
| 052540 | 989 | WORD PROCESSING SERVICES | 42416 | \$ 3,885.49 | \$ - | \$ 3,885.49 |
| 052541 | 700 | WVHTC FOUNDATION | 43594 | \$ 150.00 | \$ - | \$ 150.00 |
| TOTALS | | | | | | \$ 100,055.35 |
| TOTALS | | | | \$ 41,012.67 | \$ 59,042.68 | \$ 100,055.35 |

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
Motion by Manuel, second by R. Morgan to appoint Mr. Johnson to the Jefferson County Building Commission for a term ending July 27, 2011. Motion carried.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION
No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported that the Annexation legislation will not be discussed in the June Interims but they may be discussed in the July or August Interims.

Commissioner Manuel reminded the Commission of the meeting on Friday, May 25, 2007 at 9:00 a.m. to work on the EMS & Fire Fee consolidation board and the Flexibility Act.

In re: REQUEST MEMOS FROM CASIMIRO AND GROVE RE ANNEXATION LEGISLATION TO INTERIMS COMMITTEE

The Commission discussed the annexation legislation and upcoming interims.

In re: BONDING AND ACTIVITY REPORT

Chief County Engineer Roger Goodwin appeared before the Commission and reported that there is no bonding for this week. Sherry Kelly, Acting Chief Planner was absent so Mr. Goodwin reported on the following on her behalf:

Planning Commission meeting May 22, 2007 final plats for the Knode Minor Subdivision and Beacon Hill Phase II Subdivision were approved.

The PC also discussed ordinance rewrites and asked that it be able to meet with Kendig Keast during their next visit, preferably on an off Tuesday. The PC also wishes to hold a worksession to discuss the most recent draft ordinance and map submission. The date for this worksession has not yet been finalized.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION

The Commission discussed the upcoming visit of Kendig Keast on June 25th, 26th and 27th, 2007. The Commission agreed to schedule time for the Planning Commission to meet with Kendig Keast. The Commission agreed that the visit from Kendig Keast will be a staff and Commission meeting with Kendig Keast and that the Commission will receive comments from other entities. The Commission may have a wrap-up public hearing on the 27th of June.

In re: PUBLIC COMMENT
No public comment.

In re: SHEPHERDSTOWN BATTLEFIELD TRANSPORTATION ENHANCEMENT GRANT
James Casimiro, Assistant Prosecuting Attorney reported that he had been in touch with Mr. Dunleavy through email and is working on a memorandum of understanding concerning maintenance for the battlefield.

In re: THE VILLAGE AT SAMUEL STREET - REQUEST ASSIGNMENT OF BOND ESTIMATE
James Casimiro, Assistant Prosecuting Attorney informed the Commission that he has drafted an Agreement and he is waiting for some information from staff.

In re: RE-ORGANIZATION: SEPARATING ANIMAL CONTROL FROM MAINTENANCE DEPARTMENT - ELEVATION OF MIKE SHREWSBURY TO SUPERVISOR, DE-FUNDING NEW SUPERVISOR POSITION - CORRESPONDENCE FROM SARA MAUCK RE-ORG: SEPARATE ANIMAL CONTROL AND MAINTENANCE DEPTS., NEW SUPERVISOR SELECTION, ISSUES WITHIN ANIMAL CONTROL DEPARTMENT
The Commission agreed to place this matter on next week's agenda.

In re: SUMMER INTERNS
The Commission agreed that they were interested in creating a Summer Intern program in the future. Commissioner Manuel and Leslie Smith, County Administrator agreed to work on this matter together and to bring back the information to the Commission.

In re: PROPOSED TRANSMISSION LINE THROUGH REGION, POSSIBLY JEFFERSON COUNTY CORRIDOR LETTER TO SECRETARY OF ENERGY
The Commission discussed the proposed transmission line through the region. Commissioner Surkamp informed the Commission that he would keep them informed as he receives information regarding this matter.

In re: EMPLOYEE BENEFITS
This agenda item will be discussed at the 1:30 p.m. County Commission work session.

In re: IT HIRE ADVERTISEMENT
Commission Surkamp asked if the IT Position had been advertised. County Administrator, Leslie Smith informed the Commission that this ad had been placed.

In re: BANK SECURITIES/BONDING - COUNTY BANK ACCOUNTS - CORRESPONDENCE FROM SHERIFF BOOBER

Leslie Smith, County Administrator informed the Commission that this correspondence had been received from Sheriff Boober regarding Bank Securities/Bonding. No action was taken on this agenda item.

In re: REGION 9 - FISCAL YEAR 2008 APPOINTMENT

The Commission discussed the upcoming appointment to Region 9. The Commission agreed to send a letter to the current member and to advertise as procedure.

In re: RENEWED REQUEST FOR COMPLETED LEGAL REVIEW OF NEW EMPLOYEE HANDBOOK, SUBMITTED DECEMBER, 2006

Commissioner Surkamp checked the status on the legal review of the new employee handbook that was submitted December, 2006. The Commission discussed the matter and that Brand Sims, Assistant Prosecuting Attorney was still reviewing the handbook.

In re: PAULETTE SPRINKLE: JEFFERSON COUNTY CONVENTION AND VISITOR'S BUREAU ANNUAL REPORT AND PARITY ROOM TAX BILL

Paulette Sprinkle appeared before the Commission to give an annual report on the Jefferson County Convention and Visitor's Bureau. Ms. Sprinkle also informed the Commission that she supports the increase of the Hotel/Motel tax from 3% to 6%. For the record, Ronnie Marcus, President of the Jefferson County Convention and Visitor's Bureau was present and made comments and informed the Commission that he was appointed by the Governor to the State Visitor's Bureau.

Commissioner Corliss arrived at 10:10 a.m.

In re: TYLER OYLER - ON BEHALF OF SENATOR JOHN R. UNGER, II - USE OF COURTHOUSE FOR COMMUNITY SERVICE WORKSHOPS

Tyler Oyler appeared before the Commission on behalf of John R. Unger, II to request use of the Courthouse for community service workshops.

After discussion, the Commission agreed to allow legislators State and Federal to use the Old Charles Town Library Meeting room on the 4th Tuesday of each month from 1-3 p.m.

In re: INTEREST IN FORUM/DATE ON TABLE GAMES REFERENDUM - STATUS REPORT

Harold Steward, Secretary of the NAACP appeared before the Commission to request use of the Old Charles Town Library Meeting room for a Table Games Referendum forum. After discussed, the Commission agreed to allow the NAACP to use the Old Charles Town Library meeting room on Wednesday, June 6th, 2007 at 7p.m.

In re: DISCUSSION CLARIFICATION OF IT TECHNICAL SUPPORT HIRE: SUPPORTIVE RELATION TO COUNTY ADMIN STAFF

Commissioner Surkamp discussed the IT technical support hire. He commented that Laura Kuhn and Sandra Slusher McDonald is excellent staff for the IT support, web and web castings and would like their input for the new IT Technical support hire.

In re: PARKS AND REC INVITE TO GIVE POWER POINT ON THEIR FINANCES

The Commission discussed having Tim Barr, Director of the Parks and Recreation to give a power point presentation on their finances. Leslie Smith, County Administrator informed the Commission that Mr. Barr was scheduled for next week's meeting.

In re: INVITE TO SMALL FLOWS CLEARING HOUSE FOR PRESENTATION

Commissioner Surkamp discussed the Clearing House presentation regarding septic systems. Commissioner R. Morgan agreed to discuss this information to the Water Advisory Committee.

In re: APPROVAL OF EMPLOYMENT - CHARLES GRAN - GENERAL LABOR - MAINTENANCE DEPARTMENT

Motion by Manuel. Second by R. Morgan to approve the employment of Charles Gran - general Labor - Maintenance Department. Motion carried.

In re: LONG RANGE PLANNER - START DATE, ARRANGEMENTS

Commissioner F. Morgan inquired on the start date and arrangements for the Long Range Planner and moving expenses. Commissioner Manuel inquired on the moving expenses and the actual costs incurred. James Casimiro, Assistant Prosecuting Attorney informed the Commission that he is working on an agreement for the Long Range Planner.

In re: P.A. OFFICE - ATTORNEY CLIENT PRIVILEGED COMMUNICATIONS

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

**In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT
- ELECTION UPDATE
- RESOLUTION/BONDING OF COUNTY FUNDS**

Jennifer S. Maghan, County Clerk appeared before the Commission to give the County Clerk's report. Ms. Maghan updated the Commission on the early voting turnout.

Ms. Maghan also discussed the Bonding of County Funds regarding the Resolution with BCT.

Motion by Manuel, second by R. Morgan to approve the Resolution for the 5 million dollar bonding as a depository for BCT and reviewed by the Prosecuting Attorney. Motion carried.

Ms. Maghan discussed the accounts payable for the week of June 11th. She informed the Commission that staff would be at a training class. The Commission agreed that accounts payable would not be paid the week of June 11th, 2007.

In re: LEGAL REPORT

James Casimiro, Assistant Prosecuting Attorney had no legal updates. The Commission discussed the tour with the Old Quarry Standard. The tour is scheduled for June 4th, 2007.

In re: COUNTY ADMINISTRATOR'S REPORT

Leslie Smith, County Administrator discussed the COG's meeting scheduled for Wednesday, May 30, 2007. The Commission agreed that Joint Planning would be discussed at that meeting.

Ms. Smith informed the Commission that there would be a meeting next week with Tammy Defazio at 1:30 p.m. and that Executive Session would be required.

Commissioner Surkamp discussed the Cable Franchise Agreement and cable GIS maps that Comcast has. The Commission directed that Ms. Smith contact Comcast to see if the GIS maps would be available.

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission and discussed an upcoming request for an Impact Fee Waiver for age-restricted /affordable housing. Ms. Grove informed the Commission that she would bring back the information to the Commission at a later date.

Brandy Sims, Assistant Prosecuting Attorney appeared before the Commission and requested Executive Session to discuss pending litigation with the mediation with the County Commission and the City of Ranson.

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

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

No action was taken during or after Executive Session.

The Commission reconvened at 1:00 p.m. Commissioner R. Morgan was not present and was expected to join the meeting later in order to attend the Workforce Investment Board meeting.

In re: **KIRK DAVIS**

Kirk Davis appeared before the Commission concerning several agenda items. Mr. Davis reported first on the meeting held this morning concerning the placement of a stoplight at the new high school.

The following agenda items were taken up:

BID RESULTS FOR THE JC604 - EMERGENCY CALL CENTER AND APPROVAL OF THE LOW BIDDER

Mr. Davis recommended the approval of the lowest bidder, Rockwell Construction, for the bid on the Emergency Call Center. The Commission discussed the bid by a local contractor which was \$40,000 more. After discussion, motion by Corliss, second by Surkamp to approve Rockwell Construction as the contractor for the Emergency Call Center and to draft a contract. Motion by Manuel, second by Corliss to hold over this motion until the end of the meeting in order to wait for Commissioner R. Morgan's opinion on the matter. Motion carried.

DISCUSSION AND VOTE FOR APPROVAL ON THE ADMINISTRATIVE PORTION OF THE GROVE AND DALL'OLIO ARCHITECTURAL CONTRACT - CHANGE ORDER FOR \$68,000 ADDITIONAL FUNDS

Motion by Surkamp, second by Corliss to approve the change order for \$68,000 in additional funds for the administrative portion of the Grove and Dall'Olio Architectural Contract. Motion carried.

BI-WEEKLY PROGRESS REPORT ON ALL PROJECTS - HAND OUT

Mr. Davis gave a progress report on all County projects. Mr. Davis also reported on the County pool project, the judicial annex, and the status of the drawings for the Sheriff's new offices.

In re: **COUNTY COMMISSION WORKSHOP - STEVE PACE - UNITY BENEFITS SERVICES - ELECTED OFFICIALS/DEPARTMENT HEADS**

The Commission held a workshop with Steve Pace, from Unity Benefits Services, to discuss options for County insurance benefits. Elected Official and Department Heads were invited to participate in this workshop. The following insurance company representative were present and made presentations: Mark Hite, from United Health Care; Scott Mattison and Jodie Menne, from Standard Insurance; and Steve Jackson from Prime Pay. Commissioner R. Morgan arrived during this workshop at 1:45 p.m.

In re: BID RESULTS FOR THE JC604 - EMERGENCY CALL CENTER AND APPROVAL OF THE LOW BIDDER - CONTINUED

Motion by Manuel, second by Corliss to bring the previous motion for this agenda item back on the table. Motion carried. After discussion, the Commission voted on the motion previously made by Commissioner Corliss and seconded by Commissioner Surkamp to approve Rockwell Construction as the contractor for the Emergency Call Center and to draft a contract. Motion carried.

The Commission received the following information:

Reminder Courthouse is closed Monday, May 28, 2007 - Memorial Day.

Email correspondence received from Robert Rodecker, Esquire regarding the Comcast Cable Franchise Agreement.

Email correspondence received from Jeffrey Polczynski summarizing the project kickoff meeting between MSAG and Jefferson County (with WVSAMB).

The 2007 Targeted Watershed Grants Announcement received from Joe Hankins.

Resignation letter received from R. Earl Wilbourne from the Jefferson County Parks & Recreation Commission.

Invitation received for the 4-State I-270 Transportation Summit from the Board of Commissioners of Frederick County Maryland.

Correspondence received from West Virginia University regarding the WVU Local Government Leadership Academy.

Correspondence received from the Corporation of Harpers Ferry regarding the Old Standard Quarry.

Advisory Memorandum received from the State of West Virginia Office of the State Auditor regarding Help America Vote Act.

Correspondence received from Vickey M. Wilcher of CASA expressing gratitude for the grant award received from the Jefferson County Commission.

Notice of the joint meeting between Commissioners and Board of Education officials received from Dr. Steven Nichols.

Correspondence received from the County Commissioner's Association of West Virginia regarding June Interim meetings.

Weekly settlement report received from the West Virginia Lottery.

Correspondence received from the United States Department of the Interior Fish and Wildlife Service Division of Financial Management regarding the Refuge Revenue Sharing Act.

Notice of Public Hearing on a Comprehensive Plan Amendment received from Loudoun County Virginia Department of Planning.

Correspondence received from James E. Watson, III of the Jefferson County Fire & Rescue Association expressing gratitude for the 2008 fiscal year allocations received from the Jefferson County Commission.

Resignation letter received from Matthew Scott Barney, Deputy Clerk from the Jefferson County Clerk's Office.

Correspondence received from the United States Department of Commerce Economics and Statistics Administration regarding the LUCA program.

Correspondence received from the West Virginia Division of Culture & History regarding following property listed on the National Register of Historic Places - Cool Spring Farm.

Correspondence received from F. Mark Schiavone, Director/Impact Fee Coordinator regarding options securing impact fee funds collected.

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

PRESIDENT