

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 Old Charles Town Library meeting room thereof on Thursday, May 31, 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 Manuel conducted the Pledge of Allegiance

Commissioner F. Morgan took a moment to recognize and welcome Jefferson County’s new Long Range Planner, Tony Redman.

IN RE: APPROVAL OF MINUTES

Motion by R. Morgan, second by Manuel to dispense with the reading of the minutes for the regular meeting held on Thursday, May 24, 2007 and to approve the minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Corliss to approve the following Purchase Orders for the week of April 26, 2007 totaling \$27,630.99: 44062, 43961, 43962, 44121, 44122, 44123, 44011, 44012, 42863 and 42864. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE

Motion by R. Morgan, second by Manuel to approve the Accounts Payable for the week of May 31, 2007 totaling \$100,533.96 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 |
|--------|-----------|----------------------------|-----|----------|-------------|-------------|
| 52545 | PAYROLL | BUREAU FOR CHILD SUPPORT | | | \$72.00 | \$72.00 |
| 52546 | PAYROLL | BUREAU/CHILD SUPPORT | | | \$62.31 | \$62.31 |
| 52547 | PAYROLL | BUREAU FOR CHILD SUPPORT | | | \$90.89 | \$90.89 |
| 52548 | PAYROLL | CHILD SUPPORT ENFORCE | | | \$23.07 | \$23.07 |
| 52549 | INVEST | EQUITABLE | | | \$15.00 | \$15.00 |
| 52550 | INVEST | ING | | | \$175.00 | \$175.00 |
| 52551 | All Depts | JEFFERSON SECURITY BANK | | | \$4,619.00 | \$4,619.00 |
| 52552 | All Depts | COMPROLLER MD | | | \$835.60 | \$835.60 |
| 52553 | PAYROLL | MD CHILD SUPPORT ACCT | | | \$140.00 | \$140.00 |
| 52554 | INVEST | NACO/NATIONWIDE RETIREMENT | | | \$765.21 | \$765.21 |
| 52555 | All Depts | SHERIFF OF JEFFERSON CO | | | \$27,587.11 | \$27,587.11 |
| 52556 | All Depts | SHERIFF OF JEFFERSON CO | | | \$38,465.44 | \$38,465.44 |
| 52557 | All Depts | SHERIFF OF JEFFERSON CO | | | \$27,333.58 | \$27,333.58 |
| 52558 | INVEST | VALIC | | | \$100.00 | \$100.00 |
| 52559 | PAYROLL | WV CPRB/LOAN DIVISION | | | \$249.75 | \$249.75 |

| | | | | | | |
|--------------|--|--|--|--|---------------------|---------------------|
| TOTAL | | | | | \$100,533.96 | \$100,533.96 |
|--------------|--|--|--|--|---------------------|---------------------|

| DEPT | NAME | DEPT AMTS |
|---------------|--------------------------------|---------------------|
| 401/COM | CO. COMMISSION | |
| 402/CCLK | CO. CLERK | |
| 403/CIR CLK | CIRCUIT CLERK | |
| 404/TAX | TAX OFFICE | |
| 405/PA | PROS ATTY | |
| 406/ASSR | ASSESSORS | |
| 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 | |
| 425/OB | OTHER BUILDING | |
| 428/DATAP | DATA PROCESSING | |
| 430/HLS | HOMELAND SEC | |
| 431/ECON DEV | ECON DEV | |
| 439/PZ | PLANNING ZONING | |
| 700/SHRF | SHERIFF DEPT | |
| 701/SHRF | SHERIFF DEPT | |
| 704/WV JAIL | ST/WV REGIONAL JAIL | |
| 711/OES | EMERG SVC | |
| 712/911 | 911 COMMUNICATION | |
| 716/A/C | ANIMAL CONTROL | |
| 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 | |
| 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 | \$98,840.73 |
| ALLOC | ALLOCATIONS | \$1,055.21 |
| GRANTS | GRANTS | \$638.02 |
| INVEST | INVESTMENTS | |
| PAYROLL | PAYROLL | |
| TOTALS | | \$100,533.96 |

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 PROPERTY SAFETY ENFORCEMENT AGENCY

No action was taken on this agenda item.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on the meeting conducted on May 25, 2007 with Brandon Sims, County Commission Legal Counsel and Ambulance Authority and Fire Association officials to enhance Fire and EMS services within Jefferson County.

IN RE: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION

The Commission discussed the meeting schedules for June 25-27, 2007 during Lane Kendig's visit to Jefferson County.

The Commission discussed the importance of thoroughly reviewing all drafts received from Mr. Kendig prior to his visit. Commissioner Surkamp recommended the Commission schedule a meeting with Tony Redman to apprise him of the ordinance rewrite process thus far.

IN RE: BONDING AND ACTIVITY REPORT

➤ **APPROVAL OF EMPLOYMENT - COUNTY ENGINEER**

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Manuel, second by F. Morgan to approve the partial release of a letter of credit in the amount of \$1,775,127.00 for Sheridan, LLC with the County to retain \$2,747,743.00. Motion carried.

Mr. Goodwin reported on the storm water management concerns of neighboring property owners with regard to the development of Sheridan Subdivision. The Commission discussed possible remedies to the storm water management issues at Sheridan Subdivision.

Upon the request of Roger Goodwin, Chief County Engineer, motion by R. Morgan, second by Corliss to approve the employment of Damien Davis as County Engineer with the Department of Engineering. Motion carried.

Sherry Kelly, acting Chief Planner appeared before the Commission to report on the Subdivision work session scheduled for June 1, 2007 and the public hearing scheduled for June 5, 2007.

IN RE: IN ORDER TO CLARIFY LINES OF AUTHORITY AND RESPONSIBILITY RE-DESIGNATE BILLET OF ACTING PLANNING AND ZONING DIRECTOR AS "DIRECTOR OF PLANNING, AND ADD TO THE LONG-RANGE PLANNER BILLET RESPONSIBILITIES AS "DIRECTOR OF ZONING"

Commissioner Corliss expressed concerns with the delegation of authority and responsibilities for the Department of Planning and Zoning and requested the Commission consider appointing Sherry Kelly as Director of Planning and Tony Redman as Director of Zoning as well as Long Range Planner.

Tony Redman was present for comments. Mr. Redman discussed being designated as Director of Zoning and requested the Commission permit him a week for further consideration.

Motion by Manuel, second by Surkamp to table this matter for one week to allow for further consideration. Motion carried.

IN RE: PUBLIC COMMENT

Jennifer Shrewsberry appeared before the Commission with regard to the correspondents received from Sara Mauck concerning Michael Shrewsberry's role with Jefferson County Animal Control and expressed her concerns with the nature of allegations being set forth by Ms. Mauck. Ms. Shrewsberry provided the Commission with various documents.

IN RE: PAUL M. ROSA, HARPERS FERRY CONSERVANCY - OLD STANDARD QUARRY

Paul M. Rosa, Executive Director of the Harpers Ferry Conservancy appeared before the Commission to request the Commission consider adopting a Resolution to rezone 80 acres of the Old Standard Quarry Property. Mr. Rosa provided the Commission with copies of the proposed draft resolution as well as copies of West Virginia code provisions relating to rezoning.

Mr. J. Michael Cassell, Esquire, Counsel for Old Standard Quarry was present for comments.

Brandon Sims and James Casimiro, Jefferson County Assistant Prosecuting Attorneys were present for comments.

The Commission discussed legalities of the rezoning request with regard to consistency with the Comprehensive Plan.

Motion by R. Morgan, second by Surkamp to forward Mr. Rosa's draft resolution to the Department of Planning and legal counsel for further review and consideration. Motion carried by a 4-1 vote, Commissioner Corliss voted no.

IN RE: AMY R. LAMP LEONARD - COUNSEL FOR CORPORATION OF SHEPHERDSTOWN - ANNEXATION REQUEST

Amy R. Lamp Leonard, Esquire, Counsel for the Corporation of Shepherdstown appeared before the Commission for an annexation by Petition request. Ms. Leonard provided the Commission with a map outlining the boundary lines. Ms. Leonard reported on the property owner's intent contingent upon annexation approval.

Motion by Manuel to approve the Annexation by Petition request as presented by Ms. Leonard contingent upon legal counsel review and approval. Motion died due to the lack of a second.

To permit further time for review by legal counsel, motion by Manuel, second by Corliss to table this matter. Motion carried.

IN RE: SHEPHERDSTOWN BATTLEFIELD TRANSPORTATION ENHANCEMENT GRANT

James Casimiro, Assistant Prosecuting Attorney reported on his meeting with Ed Dunleavy regarding the Shepherdstown Battlefield Transportation Enhancement Grant.

IN RE: THE VILLAGE AT SAMUEL STREET - REQUEST ASSIGNMENT OF BOND ESTIMATE

James Casimiro, Assistant Prosecuting Attorney reported this matter is still under legal review.

IN RE: LEGAL UPDATE AND REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for legal update and report. Ms. Sims reported she is in the process of drafting a letter to the Fire and EMS Association as a result of a joint meeting held on May 25, 2007 with Fire and EMS officials. Ms. Sims reported on the hearings in the matter of Jefferson County vs. the Public Service Commission regarding E-911 fees and reiterated she would be unavailable on June 21 and 22, 2007.

At the request of Brandon Sims, Assistant Prosecuting Attorney, motion by R. Morgan, second by Manuel to enter into Executive Session to discuss property acquisition and Ranson vs. Jefferson County. Motion carried.

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

Motion by F. Morgan, second by Manuel to accept the agreement between the City of Ranson and the Board of Education regarding Jefferson County Impact Fee collection as recommended by legal counsel. Motion carried.

IN RE: PROPERTY ACQUISITION

This matter was discussed during Executive Session.

IN RE: RENEWED REQUEST FOR COMPLETED LEGAL REVIEW OF NEW EMPLOYEE HANDBOOK PRIOR TO HR DIRECTOR'S HIRING

Brandon Sims, Assistant Prosecuting Attorney reported this matter is still under legal review.

IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT

➤ **ELECTIONS UPDATE**

➤ **BUDGET REVISION**

Jennifer S. Maghan, County Clerk appeared before the Commission for the County Clerk's report. Ms. Maghan presented the Commission with an Order for Release of Fiduciary from Fiduciary Commissioner Ralph Lorenzetti for approval.

Motion by Manuel, second by Corliss to approve the Order for Release of Fiduciary as rendered by Ralph Lorenzetti, Fiduciary Commissioner. Motion carried.

Ms. Maghan provided the Commission with an election update and reported that 5% of registered voters in Jefferson County have cast their votes during early voting.

Ms. Maghan provided the Commission with a copy of the County Clerk's Quarterly report detailing funds received, birth certificates recorded, marriage licenses issued, number of registered voters and the number of property transfers.

Ms. Maghan requested a budget revision within the County Clerk's budget. Ms. Maghan reported that the budget request falls within the guidelines to obtain County Commission approval without having to obtain approval from the State Auditor's Office.

Motion by Surkamp, second by R. Morgan to approve the budget revision as requested and presented by Jennifer S. Maghan, County Clerk. Motion carried.

IN RE: PARKS & RECREATION BOARD PRESENTATION

Tim Barr, Director of Parks and Recreation and Ryan Keller, Recreation Specialist appeared before the Commission with a PowerPoint presentation outlining Parks and Recreation programs and services, community needs assessment data, Parks and Recreation Intern program, future Capital Improvement projects and a financial overview.

Mr. Barr reported on the utilization and demand of the Community Center.

Jennifer Myers, Coordinator was present for comments and reported on the Parks and Recreation land acquisition process.

With regard to operations and expenditures, Mr. Barr expressed the need for additional operational funds and requested the Commission consider allotting the Parks and Recreation additional funding from the proposed 3% increase to the Hotel/Motel tax.

The Commission agreed to consider Mr. Barr's request further.

The Commission recessed for lunch at 12:45 p.m. The Commission reconvened at 1:30 p.m.

IN RE: RE-ORGANIZATION: SEPARATING ANIMAL CONTROL FROM MAINTENANCE DEPARTMENT - ELEVATION OF MIKE SHREWSBURY TO SUPERVISOR, DE-FUNDING NEW SUPERVISORY POSITION - CORRESPONDENCE FROM SARA MAUCK

Commissioner R. Morgan reported on citizen complaints and concerns received and reported on the meetings with the Animal Welfare Board concerning Animal Control functions and operations.

The Commission discussed hiring a supervisory individual with advanced management experience to oversee Animal Control operations.

The Commission agreed to place this matter on next week's agenda to discuss this matter further with Bill Polk.

IN RE: SUMMER INTERNS

The Commission agreed to research this matter further and implement in 2008.

IN RE: P.A. OFFICE - ATTORNEY CLIENT PRIVILEGED COMMUNICATIONS

Commissioner F. Morgan withdrew this agenda item.

IN RE: RE-ORG: SEPARATING ANIMAL CONTROL AND MAINTENANCE DEPT., NEW SUPERVISOR SELECTION, ISSUES WITHIN ANIMAL CONTROL DEPARTMENTS

Commissioner Surkamp withdrew this agenda item.

IN RE: EMPLOYEE HEALTH BENEFITS

Commissioner Surkamp withdrew this agenda item.

IN RE: LETTER TO SECRETARY OF ENERGY RE PROPOSED TRANSMISSION CORRIDOR THROUGH REGION BY JULY 1, 2007

Commissioner Surkamp presented the Commission with a copy of the draft letter to Secretary of Energy regarding Proposed Transmission Corridor through Region by July 1, 2007 and agreed to table this matter for one week.

IN RE: KIRK DAVIS - NEW PARKING LOT AVAILABLE FOR COUNTY EMPLOYEE USE

Kirk Davis, Capital Project Manager appeared before the Commission to report on the availability of approximately 60 parking spaces off of George Street at the rate of \$25.00 monthly per space.

Commissioner R. Morgan recommended Mr. Davis contact the Presbyterian Church for possible parking availability for County employees.

The Commission discussed long term parking obstacles with regard to the new Judicial Center.

The Commission agreed by consensus to authorize Kirk Davis to explore additional alternatives for parking availability and report back to the Commission.

IN RE: EMPLOYEE BENEFITS

Commissioner Surkamp read aloud letters received from County employees expressing their concerns with insurance expenses under the Guardian Plan and recommended the County adopt coverage from United Health Care as outlined by Mr. Steve Pace from Unity Benefits Services the previous week.

Commissioner Manuel expressed concerns with additional expenditures if the County adopts the United Health Care plan.

Leslie D. Smith, County Administrator provided the Commission with a comparison of Guardian, United Health Care and Blue Cross and Blue Shield. Ms. Smith provided a report of the rates and services to include medical co-pays, deductibles, specialty service coverage, prescription expenses and reimbursements. Ms. Smith reported the rates are based upon information obtained from Mr. Pace the previous week and information provided from Guardian and Blue Cross and Blue Shield.

Upon completion of her comparison report, Ms. Smith recommended the County stay with Guardian as it provided the best benefits for employees but if the County wanted to save money the Commission should consider other carriers.

Jennilee Hartman from the Department of Planning, Zoning and Engineering was present for comments.

Mr. Steve Pace from Unity Health Services was present to discuss services and benefits provided by United Health Care. Mr. Pace also reported on the strategies and objectives of Unity Benefits Services with an emphasis on tier choices and cost savings for individuals.

The Commission discussed splitting insurance groups to allow employees the choice of their own coverage.

Jennifer S. Maghan, County Clerk was present and reported on various employee complaints she has received regarding the current insurance premiums with Guardian.

Pasty Noland, Circuit Clerk was present and reported her employees are happy with current coverage provided by Guardian.

Mike Thompson, Prosecuting Attorney was present and expressed concerns with comparable services between Guardian and United Health Care.

Motion by Manuel to stay with Guardian Insurance. Motion died due to lack of a second.

Motion by Surkamp, second by Corliss to accept the plan presented by Unity Benefits Services with United Health Care with the provision that there is flexible spending applied to prescription drugs.

The Commission discussed having Ed Slonaker from Morgan Financial appear before the Commission to discuss Guardian rates and services.

Commissioner Surkamp withdrew his motion.

Motion by Corliss, second by Surkamp to table this matter for one week in order to obtain input from county employees on their preference of coverage and authorize Leslie D. Smith, County Administrator to coordinate with Ed Slonaker from Morgan Financial to appear before the Commission for a presentation and report of their insurance services and rates. Motion carried by a 4-1 vote, Commissioner Manuel voted no.

Commissioner Corliss and R. Morgan left the County Commission meeting at 3:20 p.m.

IN RE: APPOINTMENT TO THE HISTORIC LANDMARKS COMMISSION - TERM ENDED MARCH 6, 2010
Motion by Manuel, second by F. Morgan to reappoint Carmen W. Creamer to the Historic Landmarks Commission for one 3-year term. Motion carried.

IN RE: DUNN ENGINEERS, INC. - SCOPE OF PROPOSED STUDY FOR THE MOUNTAIN WATER SYSTEM
The Commission agreed to proceed with negotiations.

IN RE: FUNDING REQUEST FROM FRIENDS OF HAPPY RETREAT
The Commission acknowledged the funding request from Friends of Happy Retreat.

IN RE: COMCAST - FRANCHISE EXTENSION AGREEMENT
Leslie D. Smith, County Administrator reported on the recommendation of Robert Rodecker, Esquire to extend the Franchise agreement with Comcast for 6-months.
Motion by Surkamp, second by Manuel to extend the Franchise Agreement with Comcast for 6-months at the recommendation of Robert Rodecker, Esquire. Motion carried.

IN RE: SHERIFF'S LAW ENFORCEMENT - GRANT CONTRACT AGREEMENT FOR THE PURCHASE OF DIGITAL IN-CAR, VIDEO CAMERAS

Leslie D. Smith, County Administrator reported on the specifics of the Grant contract agreement between the WV Department of Transportation, the Division of Motor Vehicles and the Jefferson County Commission on behalf of the Jefferson County Sheriff's Department in support of the purchase of digital in-car video cameras.

Motion by Manuel, second by Surkamp to take the action necessary to endorse the Grant Contract Agreement between the WV Department of Transportation, the Division of Motor Vehicles and the Jefferson County Commission and authorize the Commission president to affix her signature upon the agreement. Motion carried.

IN RE: ALLOCATION OF THE REMAINING EXISTING PORTION OF THE HOME CONSORTIUM BUDGET EARMARKED FOR JEFFERSON COUNTY
Commissioner Manuel agreed to move this matter under old Business until the week of June 7, 2007.

IN RE: LETTER TO DOH REGARDING ROAD IMPROVEMENTS RE BSR CAMPUS DEVELOPMENT
Commissioner Surkamp agreed to move this matter under old Business until the week of June 7, 2007.

IN RE: COUNTY COMMISSION REPORTS
No County Commission reports were given for the week of May 31, 2007.

IN RE: COUNTY ADMINISTRATOR REPORTS
Leslie D. Smith, County Administrator reminded the Commission of the tour with Campbell, Miller and Zimmerman on Monday, June 4, 2007 regarding the Old Standard Quarry.
Leslie D. Smith, County Administrator reminded the Commission of their joint meeting with the Board of Education on Wednesday, June 6, 2007.

The Commission received the following information:

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

Appointments to be made to the following on Thursday, July 5, 2007:

Parks & Recreation Commission
Summit Point Library Committee
Eastern Panhandle Regional Planning and Development Council
Jefferson County Board of Health

Mt. Mission Town Meeting scheduled for June 23, 2007, from 10:00 a.m. - 1:00 p.m. at the Mission Community Center at St. Andrews.

Jefferson County Green Infrastructure Assessment - Final Invoice received.

Correspondence received concerning the school bus fire incident.

Administrative Order received from the Office of Environmental Health Services concerning Potomac Farms Water Co.

Correspondence received from Chris & Ann Coffinberger concerning Animal Control.

Correspondence received from John R. Roberts concerning Cedar Meadows Airpark.

E-911 fees received from IDT Corporation, Comtel Telcom Assets LP, AT&T Communications, and Level 3 Communications.

Information received from the County Commissioners' Association concerning the West Virginia Group Self-Insurance Risk Pool.

Information received from the Association of Counties concerning mileage reimbursement.

Harpers Ferry National Historical Park newsletter received.

Notice received of a Subdivision Work Session on Friday, June 1, 2007.

Notice received from Loudoun County of a comprehensive plan public hearing on Monday, June 18, 2007.

Correspondence received from the Office of the State Auditor concerning a summary of internal control issues.

Weekly settlement report for the Charles Town Races received.

Miscellaneous

The Commission received the following correspondences

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

FRANCES B. MORGAN, COMMISSION PRESIDENT