

**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, June 7, 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**

**Commissioner Corliss was absent due to prior commitments.**

**In re: PLEDGE OF ALLEGIANCE**

**Commissioner R. Morgan conducted the Pledge of Allegiance.**

**In re: DISPENSE WITH READING OF MINUTES**

**Motion by R. Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, May 31, 2007, and to approve the Minutes as amended. Motion carried.**

**In re: APPROVAL OF PURCHASE ORDERS**

**Motion by Manuel, second by R. Morgan to approve the following Purchase Orders for the Week of June 4, 2007, totaling \$35,404.31: 43960, 43968, 43970, 43827, 43834, 43835, 43836, 43837, 44057, 44064, 44233, 44234, 43860, 43861, 43863, 43866, 43867, 44131, 44231, 43736, 43966, 43967, 43971, 44121, 44124, 44125, 44126, 44127, 44128, 44129, 44130, 44132, 44133, 44135, 44136, 44137, 440003, 44010, 43972, 43973, 43976 and 42864. Motion carried.**

**In re: APPROVAL OF ACCOUNTS PAYABLE**

**Motion by Surkamp, second by Manuel to approve the list of the Accounts Payable dated June 7, 2007 as presented by the County Clerk and reviewed by the County Commission. Motion carried.**

| CHECK NO | DEPT      | Vendor Name             | PO # | AMT W/<br>PO# | AMT W/O PO# | Amount      |
|----------|-----------|-------------------------|------|---------------|-------------|-------------|
| 52629    | ALL DEPTS | COMPTRROLLER MD         |      |               | \$820.65    | \$820.65    |
| 52630    | ALL DEPTS | SHERIFF OF JEFFERSON CO |      |               | \$39,177.28 | \$39,177.28 |
| 52631    | ALL DEPTS | SHERIFF OF JEFFERSON CO |      |               | \$28,226.32 | \$28,226.32 |
|          |           |                         |      |               |             |             |
|          |           |                         |      |               |             |             |
|          |           |                         |      |               |             |             |
|          |           |                         |      |               |             |             |
|          |           |                         |      |               |             |             |
| TOTAL    |           |                         |      |               | \$68,224.25 | \$68,224.25 |
| TOTAL    |           |                         |      |               |             |             |

| 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   |  |  | \$68,224.25 |
| ALLOC     |  | ALLOCATIONS |  |  |             |
| GRANTS    |  | GRANTS      |  |  |             |
| INVEST    |  | INVESTMENTS |  |  |             |
| PAYROLL   |  | PAYROLL     |  |  |             |
| TOTALS    |  |             |  |  | \$68,224.25 |

**In re: BONDING AND ACTIVITY REPORT**

Upon recommendation from Roger Goodwin, Chief County Engineer, motion by Manuel, second by R. Morgan to approve a partial release of a Letter of Credit for Windmill Crossing/New Vision Properties II, Inc. with the County to retain \$369,771.00. Motion carried.

Upon recommendation from Roger Goodwin, Chief County Engineer, motion by R. Morgan, second by Manuel to approve a partial release of an Irrevocable Letter of Credit for Hayes-Foltz, L.C. - Cedar Meadow Airpark Subdivision, Lots 1-16 with the County to retain \$90,161.75. Motion carried.

Upon recommendation from Roger Goodwin, Chief County Engineer, motion by R. Morgan, second by Manuel to approve a partial release of a Letter of Credit for Julie C. Blickenstaff/Shirley Estates - Shirley Estates Subdivision with the County to retain \$86,219.64. Motion carried.

Upon recommendation from Roger Goodwin, Chief County Engineer, motion by R. Morgan, second by Manuel to approve a complete release of a Letter of Credit for Covenant Baptist Church in the amount of \$44,226.00. Motion carried.

Upon recommendation from Roger Goodwin, Chief County Engineer, motion by R. Morgan, second by Manuel to approve a complete release of an Irrevocable Letter of Credit for Mark-Colonial Hills, LLC - Colonial Hills Sales Trailer in the amount of \$25,568.51. Motion carried.

Tony Redman, Long Range Planner appeared before the Commission and discussed the job descriptions and job titles of the Planning and Zoning offices. Mr. Redman informed the Commission that Sherry Kelly will be back next week and he will work with Ms. Kelly regarding the job descriptions and job titles. Mr. Redman told the Commission that he will be working on the ordinance and subdivision changes and the current work load. Mr. Redman asked that the Commission let him review the current job descriptions and job titles before any decisions are made.

**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”**

Motion by Manuel, second by Surkamp to place this old business agenda item on the agenda in 4 weeks and a proposal to be presented regarding the existing job descriptions. Motion carried.

**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**

Commissioner R. Morgan requested the Bill Polk, Director of Maintenance be appointed to the Property Safety Enforcement Agency. After discussion, the Commission agreed to review this matter.

**In re: LEGISLATIVE ISSUES**

Commissioner Manuel reported that there will be a meeting with the legislators in Berkeley County in September, 2007 and that the Commission may want to get a list of concerns ready for that upcoming legislative interim meeting. Commissioner Manuel agreed to contact our legislators to set up a presentation regarding the annexations issues. By consent of the Commission, Commissioner Manuel will contact Berkeley County and Morgan County to schedule a summit Retreat before the meeting with the legislators.

**In re: JEFFERSON COUNTY AMBULANCE AUTHORITY - NEW OPERATIONS BUILDING**

Pete Kelley, President of the Jefferson County Ambulance Authority appeared before the Commission to discuss 2 issues.

Ed Smith, Operations Manager, Jefferson County Ambulance Authority appeared before the Commission and discussed employee retention. Ed Smith discussed a Pension Plan that is needed to retain and to hire employees. After discussion, motion by Manuel, second by Surkamp to spend \$50,000 to finance the pension plan for the Jefferson County Ambulance Authority.

After further discussion, motion by R. Morgan, second by F. Morgan to postpone the request for \$50,000 for the Jefferson County Ambulance Authority pension plan and to review this matter no later than the end of July, 2007 during the fiscal year end deliberations. Motion passed by a 3-1 vote. Commissioner Manuel voted no. For the record, Ed Smith requested that he be notified when the Commission discusses this matter.

Pete Kelley discussed with the Commission a proposed Operations Center Building that would be located on 16<sup>th</sup> Avenue in Ranson. One acre was donated by Marcus Enterprises and that the site plan was developed by Dewberry.

This site plan was approved by the Ranson Planning Commission. Mr. Kelley requests that the County Commission support and participate in a loan with the USDA to fund this proposal. After further discussion, the Commission agreed to review this matter. No action was taken.

At 11:45 a.m., the Commission took a 5 minute break.

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

- Elections Update
- End of Month Report for May

Jennifer S. Maghan, County Clerk appeared before the Commission for the County Clerk's report. Ms. Maghan reported that there were 3,631 early voters - 11.2%. She reported that Precincts 23A and 23B will go to the Country Day School instead of the 7<sup>th</sup> Day of Adventist for the Special Election. Ms. Maghan informed the Commission that training will be given on June 9<sup>th</sup>, 2007 at 6:15 p.m.

Ms. Maghan handed out the County Clerk's Monthly Report for May to the Commission.

Commissioner Manuel asked Ms. Maghan about the voter that was flagged as a felon and asked if she could explain it. Ms. Maghan informed the Commission that it had been taken care of and that this would not happen again.

In re: ANDY BLAKE - COUNSEL, CITY OF RANSON - TRIANGLE LLC ANNEXATION

Andy Blake, Counsel for the City of Ranson appeared before the Commission regarding Triangle LLC annexation.

James Casimiro, Assistant Prosecuting Attorney was present and made comments.

Motion by Manuel, second by Surkamp to table this agenda item until next week.

Motion carried.

In re: SHEPHERDSTOWN ANNEXATION REQUEST

John Matthews, Shepherdstown Planning Commission appeared before the Commission to request that the Commission approve the 19 acre annexation.

Brandon Sims, Assistant Prosecuting Attorney was present and informed the Commission that the Shepherdstown Annexation request of 19.103 acres conforms to regulations of the WV Code §8-6-4 and that the property is contiguous. Motion by Manuel, second by Surkamp to approve the Shepherdstown Annexation - 19.103 acres on River Road as presented by the City Council of Shepherdstown. Motion carried.

**In re: LEGAL UPDATE AND REPORT**

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission and reported on the following:

- ▶ Barking Dog Ordinance - The Commission requested that they hear from the Sheriff regarding this ordinance next week and to discuss this matter the week after.
- ▶ Ricky Carey Case - Ms. Sims will discuss this matter next week.
- ▶ Shepherdstown Battlefield Transportation Enhancement Grant - The agenda item is old business number 5. Ms. Sims informed the Commission that this is still under review.
- ▶ School Board Agreement - Ms. Sims reported that she is waiting for information from Ranson and that she would have this worked out before next week.

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

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission and informed the Commission that he would report on this agenda item next week.

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

The Commission discussed the meeting with Kendig Keast on June 25<sup>th</sup>, 2007. The Planning Commission will be scheduled to meet with Kendig Keast on Monday, June 25, 2007 in the evening. The other meetings will be with staff and the Commission. The Commission agreed that there would not be a public hearing during this visit. The current updates will be available online in a few days.

**In re: ALLOCATION OF REMAINING EXISTING PORTION OF THE HOME CONSORTIUM BUDGET EARMARKED FOR JEFFERSON COUNTY**

Commissioner Manuel discussed the additional monies available this year for Jefferson County for affordable housing. Commissioner R. Morgan discussed the other funds available. The Commission agreed to discuss this matter after the lunch break.

**In re: REPORT ON ANIMAL CONTROL OFFICE FROM BILL POLK**

Bill Polk appeared before the Commission to give an update on the Animal Control Office. Leslie Smith, County Administrator informed the Commission that they are in the process of preparing the ad for the Animal Control Supervisor position.

**In re: LETTER TO DOH REGARDING ROAD IMPROVEMENTS RE BSR CAMPUS DEVELOPMENT**

The Commission discussed the road improvements at the BSR Campus. Motion by Surkamp to ask Roger Goodwin, Chief County Engineer to prepare a letter to send to the Department of Highways regarding the road improvements at the BSR Campus. Motion failed due to the lack of a second.

After further discussion, Motion by Manuel, second by R. Morgan to have Leslie Smith, County Administrator prepare a draft letter to Bob Amtower, Department of Highways and ask for an expeditious approval for the road improvements for the BSR Campus. Motion carried. For the record, Kristen Ringstaff was present and made comments.

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

Commissioner Surkamp discussed the transmission corridor through Jefferson County and handed out an article regarding this matter. Commissioner Surkamp informed the Commission that he would inform the Commission when and where a hearing may be held regarding this matter. The Commission is still contemplating on writing a letter with their comments.

Patsy Noland, Circuit Clerk appeared before the Commission and passed out a letter regarding employee health benefits. The Commission informed Ms. Noland that this agenda item will be discussed after the lunch break.

**In re: JAMI HADEN LETTER RE MISSION ROAD THROUGH-FARE AND HOMELAND SECURITY RURAL-URBAN MIGRATION - FOR MOUNTAIN MEETING JUNE 23<sup>RD</sup>**

Commissioner Surkamp discussed a letter received from Jami Haden concerning Mission Road. After discussion, the Commission agreed to pass the correspondence on to Barbara Miller and Darrell Penwell for their opinion.

**In re: EMPLOYEE HEALTH BENEFITS**

The Commission agreed to have Ed Slonaker, from Morgan Financial, meet with the Commission in order to receive more information concerning Employee Health Benefits.

**In re: JANET BROWN - REQUEST TO RE-START CANDLELIGHT TOURS OF THE COURTHOUSE**

The Commission discussed a request received from Janet Brown to re-start the candlelight tours of the Courthouse. After discussion, the Commission agreed to send correspondence to Ms. Brown informing her that re-starting the tours was approved, but no open flames would be allowed in the Courthouse.

**In re: F. MARK SCHIAVONE - REQUEST TO SET A BUDGET TRAINING DATE WITH THE STATE AUDITOR'S OFFICE**

After discussion, the Commission agreed to set a budget training date with the State Auditor's office on June 29, 2007.

**In re: ALLOCATION OF REMAINING EXISTING PORTION OF THE HOME CONSORTIUM BUDGET EARMARKED FOR JEFFERSON COUNTY**

Motion by Manuel, second by F. Morgan to allow the Home Consortium funds to remain unprogrammed with the possibility of re-utilization of the funds if a program becomes available. Motion carried.

**In re: CAPITAL PROJECT COORDINATING COMMITTEE MEETING**

The Commission held a meeting of the Capital Project Coordinating Committee. Members of the Committee present were Mark Schiavone, Kirk Davis, Leslie Smith, Teresa Hendricks and the County Commission. Reports were given on capital outlay accounts and current and proposed building projects.

**In re: F. MARK SCHIAVONE - FY 2008 CAPITAL IMPROVEMENT PLAN**

The Draft FY 2008 Capital Improvement Plan presented by Mark Schiavone was discussed during the Capital Project Coordinating Committee Meeting. No action was taken.

**In re: TAMMY DEFAZIO - LEGAL COUNSEL HENRY V. JEFFERSON COUNTY - EXECUTIVE SESSION**

Tammy DeFazio, legal counsel for the Commission on Henry v. Jefferson County appeared before the Commission. Motion by R. Morgan, second by Manuel to enter into Executive Session with Ms. DeFazio in order 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 Executive Session.

**The Commission received the following information:**

Impact Fee Status Report for May 2007 received.

Various memorandums received from the Department of Capital Planning and Management concerning funds transfers.

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.

Correspondence received from County employees concerning health insurance coverage.

Letter of resignation received from John Sherwood as a member of the Board of Health in order to serve as Interim Administrator of the Health Department.

Information received from Lane Kendig concerning road noise regulations.

Local Government Committee meeting agenda received for the Shenandoah Valley Air Quality Initiative.

Correspondence received from the Division of Highways concerning highway projects.

Correspondence received from Region 9 concerning the FY 2008 annual assessment.

Meeting minutes received from the Eastern Panhandle Transit Authority.

Correspondence received from Mayor James Addy concerning the water quantity flow.

Invitation received from the Department of Veterans Affairs to attend a Pandemic Flu Table Top Exercise on June 14, 2007.

#### **CORRESPONDENCE**

Correspondence received from Carl Tribble, Jr. concerning noise at Summit Point Raceway.

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

---

**PRESIDENT**