

**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, June 14, 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 Surkamp conducted the Pledge of Allegiance

**IN RE: APPROVAL OF MINUTES**

Motion by Manuel, second by Corliss to dispense with the reading of the minutes for the regular meeting held on Thursday, June 7, 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 June 14, 2007 totaling \$177,170.34: 42434, 42436, 40713, 40714, 43838, 44058, 44059, 44063, 44065, 44074, 43978, 43981, 42775, 43868, 42419, 42420, 43980, 43983, 43985, 43650, 43657, 43658, 44014, 44015, 43871, 43874, 43875, 43876, 43877, 43878, 43881, 43982 and 42867. Motion carried.

**IN RE: APPROVAL OF ACCOUNTS PAYABLE**

There were no Accounts Payable for the week of June 14, 2007.

**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 his discussion with lead counsel from the West Virginia Department of Commerce with regard to Jefferson County Fire and EMS services.

**IN RE: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION**

Leslie D. Smith, County Administrator reported on Lane Kendig's itinerary and scheduled meetings for June 25-27, 2007. The Commission discussed the newly revised draft ordinance received from Lane Kendig and reported on their availability at the County Commission office or Jefferson County Public Libraries.

**IN RE: BONDING AND ACTIVITY REPORT**

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve the complete release of an escrow account in the amount of \$288,983.44 for Jefferson Security Bank. Motion carried.

Mr. Goodwin reported on the status of the Spruce Hill Subdivision construction bond. James Campbell, Esquire, Counsel appeared before the Commission on behalf of Spruce Hill Subdivision to report on the construction process for Spruce Hill that included a detailed overview of storm water management and erosion facilities onsite.

Tony Redman, Long Range Planner presented the Commission with the recent Planning Commission staff report which represents Mr. Redman's professional opinion regarding rezoning for the Old Standard Quarry.

Commissioner Corliss requested a rationale report from the Planning Commission detailing their recommendations for the rezoning request of Old Standard Quarry. On behalf of the Planning Commission, Commissioner Surkamp reported on the contents of the report provided by Mr. Redman

**IN RE: PUBLIC COMMENT**

No public comment was provided for the week of June 14, 2007.

**IN RE: SHEPHERDSTOWN BATTLEFIELD TRANSPORTATION ENHANCEMENT GRANT**

Leslie D. Smith, County Administrator reported the proposal letter received from Ed Dunleavy and that this matter is still under legal review.

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

The Commission agreed to take up this matter under "Legal Review and Update".

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

Commissioner Surkamp agreed to defer this matter for one week.

**IN RE: DELEGATE BOB TABB – ECONOMIC GROWTH AND JOBS FOR JEFFERSON COUNTY**

Delegate Bob Tabb appeared before the Commission to discuss options available to Jefferson County to enhance economic growth and provide local jobs. Delegate Tabb expressed support for the rezoning of the Old Standard Quarry and discussed the opportunities it would provide to Jefferson County.

Commissioner Surkamp reported on the Planning Commission's position with regard to the Old Standard Quarry rezoning request. Commissioner Corliss expressed his gratitude to Delegate Tabb for his insight and opinion. Commissioner Manuel expressed concerns regarding economic development strategies with regard to the Old Standard Quarry rezoning request, historic preservation and concerns with the environment.

The Commission agreed to conduct a workshop to include legal counsel on June 28, 2007 and include review and discussion of a written report from the Planning Commission detailing the rationale of action taken on the rezoning request. The Commission also decided to place this matter on the July 11, 2007 agenda for further discussion and vote.

**IN RE: JEFFERSON COUNTY MAGISTRATES – JUDICIAL CENTER AIR CONDITIONING ON WEEKENDS**

With consideration to their on-call status and presence in the Judicial Center on weekends, Magistrate Gail Boober and Mike Thompson, Prosecuting Attorney appeared before the Commission to express their concerns with the lack of proper climate control in the Judicial Center on weekends. Magistrate Boober requested that the climate control timer be reset to include proper air circulation and consistent temperature control to promote a healthy work environment.

The Commission agreed by unanimous consent to authorize Bill Polk, Maintenance Director to insure adequate climate control at the Judicial Center on weekends.

**IN RE: CIRCUIT CLERK – PATSY NOLAND – RECORDS MANAGEMENT GRANT**

On behalf of Patsy Noland, Circuit Clerk, Maxine Scott, Chief Deputy Clerk appeared before the Commission to request approval of the Records Management Grant as previously presented by Ms. Noland.

Motion by Corliss, second by Manuel to authorize the County Commission President to affix her signature upon the Records Management Grant as presented by Pasty Noland, Circuit Clerk. Motion carried.

**IN RE: PAUL ROSA – BUGLERS REST SUBDIVISION**

Leslie D. Smith, County Administrator advised the Commission that Mr. Rosa withdrew his agenda request.

**IN RE: ANDY BLAKE – COUNSEL, CITY OF RANSON – TRIANGLE LLC ANNEXATION**

The Commission agreed to defer this matter until next week.

**IN RE: MARK SCHIAVONE – FY 2008 CAPITAL IMPROVEMENT PLAN**

Kirk Davis, Capital Projects Manager appeared before the Commission to report on the FY 2008 Capital Improvement Plan and discussed projects currently underway.

The Commission agreed to defer this matter until the end of FY 2007 and place this matter on the agenda for July 18, 2007.

**IN RE: JC 601 – RECREATION CENTER "FINAL PAYMENT" AND CHANGE ORDER #9 FOR KITCHEN EQUIPMENT PLACEMENT AND HOOKUP**

Kirk Davis, Capital Project Manager appeared before the Commission to request approval of final payment for the invoice received for kitchen equipment and hookup at the Jefferson County Recreation Center.

Leslie D. Smith, County Administrator reported that all invoices are forwarded to the finance office for processing.

**IN RE: DIVISION OF CORRECTIONS – LEASE RENEWAL FOR 2<sup>ND</sup> FLOOR OFFICE SPACE IN MASON BUILDING**

Kirk Davis, Capital Projects Manager reported on the status of the Sheriff's Department relocation and the need for space at the Mason Building to accommodate Department of Planning, Zoning and Engineering personnel within the year.

Leslie D. Smith, County Administrator reported on the specifications of the current lease with the Division of Corrections to accommodate space for the Department of Parole.

Motion by R. Morgan, second by Manuel to provide a 9-month lease to the Division of Corrections at the current rate with the County Commission to seek out alternate rental space to accommodate the Division of Corrections – Department of Parole. Motion carried.

**IN RE: EMPLOYEE HEALTH BENEFITS**

Commissioner Surkamp expressed approval in maintaining coverage with Guardian with a change in brokers from Morgan Financial to Unity Insurance Services.

The Commission agreed by consensus to discuss this matter under agenda item, “J. Edward Slonaker – Morgan Financial – County Health Insurance”.

**IN RE: COUNTY COMMISSION OF BERKELEY COUNTY – COUNTY COMMISSION SUMMIT LEGISLATIVE AGENDA – 2008**

Commissioner F. Morgan reminded the Commission of the County Commission 2008 County Commission Legislative Summit scheduled for July 24, 2007.

The Commission discussed who will be in attendance, which includes the County Commission, the County Administrator and one member from the Prosecuting Attorney’s office.

**IN RE: DIVISION OF CRIMINAL JUSTICE SERVICES – VOCA ASSISTANCE GRANT**

Motion by Manuel, second by R. Morgan to authorize the Commission President to affix her signature upon the Victims of Crime Act (VOCA) Grant for approval. Motion carried.

**IN RE: TAKING A HOLIDAY FROM OUR COMMISSION MEETING ON THE WEEK OF JULY 4<sup>TH</sup>**

The Commission agreed by consensus to cancel the County Commission meeting for the week of July 5, 2007.

**IN RE: JULY VACATION SCHEDULE**

Commissioner R. Morgan withdrew this agenda item.

**IN RE: CAMPBELL, MILLER AND ZIMMERMAN – TOUR OF OLD STANDARD QUARRY**

Jim Campbell, Esquire appeared before the Commission to request rescheduling the tour of Old Standard Quarry.

The Commission agreed to participate in a tour of Old Standard Quarry on July 27, 2007 at 3:00 p.m.

**The Commission took a 10-minute break at 10:50 a.m.**

**IN RE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT**

Jennifer S. Maghan, County Clerk appeared before the Commission for the County Clerk’s report.

Ms. Maghan reported on voter turnout for the Special Election on June 9, 2007. 31% of Jefferson County voters participated in the election, 56% of votes received were no, 44% of votes received were yes. For future reference, Ms. Maghan requested the County Commission take measures to insure proper audio for the webcam during the election process. Ms. Maghan reminded the Commission of the upcoming elections training in September.

Ms. Maghan reported on the property transfer fee and the affordable housing \$20 tax now being implemented.

Ms. Maghan reminded the Commission of the canvass on June 15<sup>th</sup> that will include recount of 4 precincts.

Commissioner Manuel requested clarification from Ms. Maghan regarding the voter that was flagged as a felon. Ms. Maghan reported the matter has been rectified with the Secretary of States Office.

**IN RE: DEPARTMENT OF MILITARY AFFAIRS & PUBLIC SAFETY – APPROVAL OF HOMELAND SECURITY SUB-GRANT**

Motion by Manuel, second by R. Morgan to approve and authorize the Commission President to affix her signature upon the Homeland Security sub-grant from the Department of Military Affairs & Public Safety. Motion carried.

**IN RE: BARDANE PUBLIC HEALTH CENTER LEASE ADDENDUM – APPROVAL**

Motion by R. Morgan, second by Manuel to approve the Bardane Public Health Center Lease Addendum as presented. Motion carried.

**IN RE: DISCUSSION & INQUIRY INTO HUYETT ROAD IMPROVEMENTS – QUESTIONS & ANSWERS**

Commissioner R. Morgan agreed to defer this matter for one week and that the discussion ws to be about Wheatland Road.

**IN RE: GENERAL FUND BUDGET REVISION**

Motion by Manuel, second by Corliss to approve the General Fund Budget Revision as presented. Motion carried.

**RESOLUTION**

At a regular session of the Jefferson County Commission, held on the 14th day of June, 2007, the following Order was made and entered:

**SUBJECT:** The revision of the Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered.

**RESOLVED:** That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number 4, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by Manuel, and duly seconded by Corliss the vote was as follows:

Frances B. Morgan	<u>yes</u>
A.M.S. Rusty Morgan	<u>yes</u>
Gregory A. Corliss	<u>Second</u>
Dale Manuel	<u>Moved</u>
James T. Surkamp	<u>yes</u>

Whereupon, Commissioner Morgan declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and Frances B. Morgan, President of the Jefferson County Commission, is authorized to affix her signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

/s/

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Frances B. Morgan, Commission President

**IN RE: JEFFERSON COUNTY CITIZENS FOR ECONOMIC PRESERVATION – REQUEST FOR DIGITAL COPY OF CURRENT DRAFT ZONING MAPS**

Fred Blackmer, Executive Director from the Jefferson County Citizens for Economic Preservation appeared before the Commission to request a copy of the digital draft zoning maps. Leslie D. Smith, County Administrator reported on the availability of the digital zoning maps.

The Commission agreed by consensus to approve the release of the digital draft zoning maps.

**IN RE: BRANDON SIMS – LEGAL UPDATE & REPORT**

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for the legal update and report.

Ms. Sims reported on barking dog and noise ordinances adopted in Morgan and Berkeley County as well as Bolivar, Harpers Ferry and Charles Town. The Commission expressed the need to adopt a barking dog ordinance for Jefferson County, Ms. Sims reported she would draft a similar barking dog ordinance for Jefferson County consistent to the Commission's request.

At the request of the Commission, Ms. Sims reported on the enforcement of barking dog/noise ordinances adopted by various Home Owner's Associations.

Motion by Corliss, second by R. Morgan authorizing Brandon Sims, Assistant Prosecuting Attorney to draft a barking dog ordinance for Jefferson County similar to that of Morgan County with necessary revisions and/or additions as determined by legal counsel. Motion carried.

Ms. Sims reported on the proposal received from Ed Dunleavy with regard to the Shepherdstown Battlefield Transportation Enhancement Grant. This matter is still under legal review and in negotiations.

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to report on the Planning Commission's vote on the rezoning of Old Standard Quarry.

Mr. Casimiro reported on his discussions with Jeremy Camp from the City of Charles Town with regard to the request for reassignment of bond estimate for the Village at Samuel Street. The matter is scheduled to be heard at the next session of the Charles Town Planning Commission and town council.

Mr. Casimiro provided clarification to the Commission with regard to contract zoning and the Old Standard Quarry, Mr. Casimiro discussed the differences of contract zoning versus conditional zoning.

On behalf of the Planning Commission, Mr. Casimiro requested the Commission provide a detailed directive to them regarding the Old Standard Quarry rezoning request by Mr. Paul Rosa. Leslie D. Smith, County Administrator provided the Commission a copy of the letter sent to the Planning Commission with Mr. Rosa's request and a copy of the minutes with a specific directive for their review and input. Upon review of Ms. Smith's letter, the Commission agreed the letter adequately provided the directive necessary to pursue this matter.

Mike Thompson, Prosecuting Attorney appeared before the Commission to report Prosecuting Attorney's staff will be unavailable for the week of June 21, 2007 as they will be attending their annual Prosecuting Attorney's training conference.

**IN RE: HUMAN RESOURCES DIRECTOR WORK SESSION TO REVIEW APPLICANTS**

Leslie D. Smith, County Administrator reported on the resumes received for the position of Human Resources Director.

The Commission agreed to review the resumes received and narrow applicants down to 10 for further consideration.

**IN RE: REVIEW OF RECOMMENDATIONS BY GB ASSOCIATES**

Commissioner Surkamp expressed an interest in the Commission reviewing the management study received by Sheila Birnbach of GB Associates further and schedule a workshop with Ms. Birnbach for further insight and advise of its contents.

The Commission took no action on this agenda item at this time.

**IN RE: COUNTY COMMISSION REPORTS**

Commissioner Corliss reported on the Region 9 meeting he attended. The Commission discussed concerns with the availability of regional GIS maps and agreed by consensus to send correspondence to Todd Fagan, GIS Coordinator requesting he coordinate a meeting with neighboring jurisdictions to ascertain the availability of regional GIS maps.

Commissioner F. Morgan reported on the Farmland Protection Board Quarterly meeting she attended.

Commissioner Manuel reported on the events being coordinated for Farm Day 2007 scheduled for June 16, 2007.

Commissioner Corliss reported on the Flag Day activities coordinated by Barbara Miller, Homeland Security Coordinator.

Leslie D. Smith, County Administrator reported on the upcoming Parks and Recreation Commission appointments.

Leslie D. Smith, County Administrator reported on the request from the Jefferson County Baseball team.

Leslie D. Smith, County Administrator reported on the proposal received from the newly formed County officials insurance pool.

The Commission took a lunch break at 12:00 p.m. The Commission reconvened at 1:30 p.m.

**IN RE: PUBLIC HEARING – HOTEL OCCUPANCY TAX ORDINANCE**

In Commissioner F. Morgan's absence, Commission Vice President R. Morgan specified the procedures of the public hearing and welcomed comment for those present.

Commissioner F. Morgan appeared for the meeting at 1:40 p.m.

Paulette Sprinkle, Robert O'Connor and Paul Rosa provided public comment.

Upon completion of public comment, the Commission discussed ways to distribute revenue received from the Hotel Occupancy 3% tax increase to 6%. The Commission discussed allocating 3% to tourism, 2.5% to the Parks and Recreation Commission and .5% to Arts and Humanity.

The Commission agreed to place this matter on the June 21, 2007 agenda for further review and consideration.

The Commission took a 5-minute break at 1:55 o'clock p.m.

**IN RE: J. EDWARD SLONAKER – MORGAN FINANCIAL – COUNTY HEALTH INSURANCE**

Mr. J. Edward Slonaker from Morgan Financial appeared before the Commission with a presentation of health insurance benefits provided by Guardian to the Jefferson County Commission and its employees.

Mr. Slonaker provided the Commission with an overview of benefits and services provided by Guardian to include, payable benefits, out of pocket expenditures to the employee, prescription cost and reimbursement. Mr. Slonaker also discussed the indemnity plan with PPO element provided by SelectNet and the preventive care benefit recently added by Guardian.

The Commission also discussed the availability of support staff to assist employees with provider questions and concerns. Mr. Slonaker provided an explanation of services provided by representatives from both Morgan Financial and Guardian/SelectNet.

The Commission expressed their concerns to Mr. Slonaker with regard to the availability of network physicians and medical specialists, network utilization and recruitment procedures for new physicians and the increase in health care premiums for employees. Mr. Slonaker reported on Guardian and SelectNet's procedures for recruiting new physicians.

Mr. Slonaker also reported on health care bids received from Great West, Assurance and Blue Cross/Blue Shield and discussed alternative options to the insurer to reduce their premium. Mr. Slonaker agreed to conduct further research to ascertain the availability of additional cost savings for employees.

Jennifer S. Maghan, County Clerk appeared before the Commission to reiterate concerns she has received from employees to include the availability of long and short term disability benefits and the cost of the health care premium with Guardian. Mr. Slonaker reported on the availability of long term disability coverage with Guardian, Leslie D. Smith, County Administrator reported on the availability of short-term disability coverage through AFLAC.

Jeff Koontz a representative of Guardian Insurance was present for comments.

After discussion, motion by Manuel, second by Surkamp to maintain health coverage with Guardian for FY 2008. Motion carried.

**The Commission received the following information:**

Reminder Courthouse is closed Wednesday, June 20, 2007 for West Virginia Day

Reminder of Canvass, Friday, June 15, 2007 at 10:00 a.m.

Memorandum received from the Department of Capital Planning and Management regarding budget training with Ora Ash

Correspondence received from Rebecca Burns from the Department of Engineering regarding Commissioner Surkamp

Correspondence received from the Board of Risk and Insurance Management regarding deductible options

Memorandum received from the County Commissioners' Association of West Virginia regarding WV counties group Self-Insurance risk pool (WVCoRP)

Announcement from West Virginia counties Group Self-Insurance Risk Pool (WVCoRP)

Correspondence received from the Office of the Secretary of State Betty Ireland regarding newspapers qualified to publish legal ads.

Notification of VOCA grant approval received from the State of West Virginia, Joe Manchin III, Governor

Correspondence received from Jeff Polczynski, Emergency Communications Center Director regarding correspondence received from Bolivar residents Bradley & Jennifer Roberts

Notice of Subdivision workshop received from the Department of Planning & Zoning

Correspondence received from Morgan County Commission regarding a one-day summit for Eastern Panhandle Counties to discuss legislative issues

Notification of available funds through the 2008 Local Source Water Protection Grant for Community Surface Water Systems received from the Office of Environmental Health Services

Jefferson County Landmarks Nomination reports received from the Jefferson County Historic Landmarks Commission

Email received from Mary Alice Marks regarding the I-270 Transportation Summit on Saturday, June 16, 2007

Weekly settlement report for the Charles Town Races received.

Miscellaneous

**The Commission received the following correspondences**

Correspondence received from Russell C. Snider regarding the rezoning request proposed for Old Standard Quarry

Email received from Barbara A. Humes regarding the Old Standard Quarry

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

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FRANCES B. MORGAN, COMMISSION PRESIDENT

