

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, August 23, 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 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, August 16, 2007, and to approve the Minutes as amended. Motion carried.

Motion by Surkamp, second by R. Morgan to modify the motion on page 5 to read as the following: Motion passed by a 3-2 vote. Commissioners Manuel and Corliss voted no.

Commissioner Corliss reworded his original motion to reconsider moving forward with the Swimming Pool Architect contract pending receipt and review of the comprehensive Business Plan report forthcoming from the Jefferson County Parks and Recreation Commission. Motion carried by a 3-2 vote; Commissioners Surkamp and Manuel voted no.

With unanimous consent, the Commission acknowledged that Commissioner Manuel will carry this information to the Parks and Recreation Commission.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by R. Morgan to approve the following Purchase Orders for the Week of August 20, 2007, totaling \$56,632.29: 44452, 44569, 44570, 44572, 44096, 44097, 44111, 44292, 44567, 44145, 44152, 44194, 44195, 44196, 44199 and 44571. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by Manuel to approve the list of the Accounts Payable dated August 23, 2007 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
053452	424	ALLEGHENY POWER		\$ -	\$ 6,074.94	\$ 6,074.94
053452	425	ALLEGHENY POWER		\$ -	\$ 1,876.64	\$ 1,876.64
053453	424	AUTOZONE		\$ -	\$ 337.92	\$ 337.92
053453	700	AUTOZONE		\$ -	\$ 79.99	\$ 79.99
053454	PAYROLL	BUREAU FOR CHILD SUPPORT		\$ -	\$ 72.00	\$ 72.00
053455	425	B-K OFFICE SUPPLY INC	44558	\$ 1,014.30	\$ -	\$ 1,014.30
053456	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 62.31	\$ 62.31
053457	GRANT	BAKERTON FIRE DEPT		\$ -	\$ 1,250.00	\$ 1,250.00
053458	PAYROLL	BUREAU FOR CHILD SUPPORT		\$ -	\$ 90.89	\$ 90.89
053459	PAYROLL	BUREAU FOR CHILD SUPPORT		\$ -	\$ 70.68	\$ 70.68
053460	401	CO COMMISSIONERS ASSOC		\$ -	\$ 250.00	\$ 250.00
053461	440	*CREAMERS AUTO SERVICE	44565	\$ 66.67	\$ -	\$ 66.67
053461	712	*CREAMERS AUTO SERVICE	44564	\$ 24.00	\$ -	\$ 24.00
053462	712	VERIZON		\$ -	\$ 152.77	\$ 152.77
053463	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 23.07	\$ 23.07
053464	PAYROLL	EQUITABLE THE EQUIVEST		\$ -	\$ 15.00	\$ 15.00
053465	424	FEDEX		\$ -	\$ 124.00	\$ 124.00
053466	425	FARM PLAN/SOUTHERN STATE	44293	\$ 93.60	\$ -	\$ 93.60
053467	412	FRONTIER		\$ -	\$ 361.68	\$ 361.68
053467	415	FRONTIER		\$ -	\$ 331.23	\$ 331.23
053467	424	FRONTIER		\$ -	\$ 14,481.44	\$ 14,481.44
053467	712	FRONTIER		\$ -	\$ 3,854.59	\$ 3,854.59
053468	700	GALLS INCORPORATED	44193	\$ 8,249.14	\$ -	\$ 8,249.14
053469	425	GRAINGER, INC	44560	\$ 167.63	\$ -	\$ 167.63
053470	440	HAGERSTOWN COMM COLLEGE	44147	\$ 99.00	\$ -	\$ 99.00
053471	401	COX HOLLIDA LLP		\$ -	\$ 6,400.00	\$ 6,400.00
053472	401	IKON OFFICE SOLUTIONS		\$ -	\$ 53.99	\$ 53.99
053473	PAYROLL	ING		\$ -	\$ 260.00	\$ 260.00

053474	405	THE JOURNAL	44039	\$ 493.23	\$ -	\$ 493.23
053474	424	THE JOURNAL	44343	\$ 1,047.22	\$ -	\$ 1,047.22
053475	425	JEFFERSON COUNTY SOLID	44557	\$ 196.71	\$ -	\$ 196.71
053476	712	DR ROBERT JONES		\$ -	\$ 1,000.00	\$ 1,000.00
053477	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 4,435.00	\$ 4,435.00
053478	433	MSAG DATA CONSULTANTS IN	42433	\$ 3,182.61	\$ -	\$ 3,182.61
053479	PAYROLL	COMPTROLLER OF MARYLAND		\$ -	\$ 926.15	\$ 926.15
053480	PAYROLL	COMPTROLLER OF MARYLAND		\$ -	\$ 136.48	\$ 136.48
053481	425	HOME DEPOT CREDIT SERVIC		\$ -	\$ 983.54	\$ 983.54
053482	700	MCKINNEY'S AUTO REPAIR	44562	\$ 234.04	\$ -	\$ 234.04
053483	PAYROLL	MD Child Support Account		\$ -	\$ 140.00	\$ 140.00
053484	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 765.21	\$ 765.21
053485	402	PIFER OFFICE SUPPLY, INC	44450	\$ 119.00	\$ -	\$ 119.00
053485	402	PIFER OFFICE SUPPLY, INC	44451	\$ 133.97	\$ -	\$ 133.97
053485	412	PIFER OFFICE SUPPLY, INC	42422	\$ 82.68	\$ -	\$ 82.68
053486	401	REGION 9 PLANNING & DEVE		\$ -	\$ 20,185.00	\$ 20,185.00
053487	401	CHARLES TOWN RTCA COUNCI		\$ -	\$ 2,000.00	\$ 2,000.00
CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
053488	711	SHENANDOAH SALES & SERV	44561	\$ 3,393.22	\$ -	\$ 3,393.22
053489	ALLOC	SHEPHERDSTOWN FIRE CO		\$ -	\$ 45,000.00	\$ 45,000.00
053490	413	SOFTWARE SYSTEMS, INC	44465	\$ 123.62	\$ -	\$ 123.62
053491	PAYROLL	STATE DPT O/TAX & REVENU		\$ -	\$ 9.00	\$ 9.00
053491	PAYROLL	STATE DPT O/TAX & REVENU		\$ -	\$ 21,325.49	\$ 21,325.49
053492	704	ST/WV REGIONAL JAIL &	44245	\$ 126,827.50	\$ -	\$ 126,827.50
053493	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 35,701.80	\$ 35,701.80
053493	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 18.60	\$ 18.60
053493	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 4.36	\$ 4.36
053493	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 8,349.80	\$ 8,349.80
053494	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 30,806.15	\$ 30,806.15

053494	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 4.81	\$ 4.81
053495	425	SHERWIN-WILLIAMS	43779	\$ 149.22	\$ -	\$ 149.22
053496	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 7,848.96	\$ 7,848.96
053497	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 9,695.78	\$ 9,695.78
053498	700	STEWARTS MEN'S WEAR	44197	\$ 88.00	\$ -	\$ 88.00
053499	425	SNYDER ENVIRONMENTAL	44556	\$ 170.00	\$ -	\$ 170.00
053500	424	SPRINT PCS		\$ -	\$ 84.11	\$ 84.11
053500	GRANT	SPRINT PCS		\$ -	\$ 416.71	\$ 416.71
053500	712	SPRINT PCS		\$ -	\$ 973.56	\$ 973.56
053500	712	SPRINT PCS		\$ -	\$ 248.62	\$ 248.62
053501	712	THOMASSEN FORD MERCURY	44563	\$ 1,259.74	\$ -	\$ 1,259.74
053502	425	U S PAVING LLC	44559	\$ 500.00	\$ -	\$ 500.00
053503	PAYROLL	VALIC, %CHASE BANK TEXAS		\$ -	\$ 100.00	\$ 100.00
053504	405	WEST PAYMENT CENTER	44040	\$ 1,425.00	\$ -	\$ 1,425.00
053505	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 20,927.64	\$ 20,927.64
053506	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 48,831.11	\$ 48,831.11
053507	PAYROLL	WV CPRB/LOAN DIVISION		\$ -	\$ 166.50	\$ 166.50
053508	412	CRAIG W YOHN		\$ -	\$ 620.37	\$ 620.37
TOTALS						\$ 447,067.99
TOTALS						\$ 149,140.10
						\$ 297,927.89
						\$ 447,067.99

In re: **EXONERATION**

Motion by Manuel, second by Corliss to approve the following exoneration as presented. Motion carried.

NAME	DISTRICT	TYPE	TICKET#	AMOUNT
Kathy L. Miller	Charles Town	Personal	303238	\$64.87

In re: **EXONERATION**

Motion by R. Morgan, second by Manuel to approve the following exoneration as presented. Motion carried.

NAME	DISTRICT	TYPE	TICKET#	AMOUNT
Paul J. Haggerty	Middleway	Real Estate	21432	\$65.02

In re: **BONDING AND ACTIVITY REPORT**

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve the partial release of an irrevocable letter of credit in the amount of \$468,374.04 for Sunnyside Industrial Park Subdivision, Lots 1-12 (PC File #04-39) with the County to retain \$194,653.60. Motion carried.

Motion by Manuel, second by R. Morgan to extend the bond for Spruce Hill until Thursday, September 13, 2007. Motion carried.

In re: **PUBLIC COMMENT**

No public comment was provided.

In re: **BLACK SMOKE EMISSIONS AT HALLTOWN PAPERBOARD COMPANY**

Connie Hammond appeared before the Commission to discuss the black smoke emissions from the Halltown Paperboard Company. Mr. Hammond informed the Commission that the bag houses failed and were replaced. The replacement failed as well. To date, new bags have been ordered and the bag houses have been restored.

In re: **JOHN SIDOR - PLANNING COMMISSION PRESIDENT - SUBDIVISION VARIANCE REGULATIONS**

John Sidor, Jefferson County Commission President appeared before the Commission to discuss public notice requirements for variances from the subdivision regulations. Mr. Sidor requests that the Commission place a fee for an application for a variance request which would cover the cost for staff to post variance notices.

Motion by Manuel to place this request under consideration with the other ordinance changes. The motion died due to the lack of a second.

Tony Redman, Planning Director commented that this matter did not need action today.

Motion by Surkamp pending review by legal staff to approve and proceed with the request to charge a fee for an application for a variance request. Motion died due to the lack of a second.

By a unanimous consent, the Commission agreed to place this item on the agenda on September 6, 2007.

In re: ED DUNLEAVY - SUGGESTED ALTERNATE FINANCING FOR CAPITAL EXPENDITURES

Ed Dunleavy appeared before the Commission to discuss alternate financing for capital expenditures. Mr. Dunleavy handed out a worksheet with an example of bonding financing. No action was taken on this agenda item.

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 BOARD OF HEALTH

No action was taken on this agenda item.

In re: APPOINTMENT TO THE DEVELOPMENT AUTHORITY

Nomination by Commissioner Manuel to appoint Charles Ellison to the Development Authority for an unexpired term ending April 5, 2010.

Nomination by Commissioner R. Morgan to appoint Susan Kennison to the Development Authority for an unexpired term ending April 5, 2010.

Nomination by Commissioner Corliss to appoint Bill Reichardt to the Development Authority for an unexpired term ending April 5, 2010.

	Corliss	R. Morgan	Manuel	F. Morgan	Surkamp
Charles Ellison			✓		
Susan Kennison		✓		✓	✓
Bill Reichardt	✓				

Susan Kennison was appointed the Development Authority for an unexpired term ending April 5, 2010.

In re: MARK SCHIAVONE - DIRECTOR AND IMPACT FEE COORDINATOR

- EXECUTIVE SESSION - PERSONNEL ISSUE

- IT SUPPORT

Mark Schiavone, Director and Impact Fee Coordinator appeared before the Commission and introduced Kevin Sowder, Information Technology Specialist.

The Commission discussed old business - Challenge to find and report by September 20, 2007 County Commission meeting on potential cost savings in county's IT operations.

The Commission discussed old business - SSI agreement and names of persons authorized to have administration responsibilities. By consensus, the Commission agreed to hold a work session on September 6, 2007.

Motion by Manuel, second by R. Morgan to enter into Executive Session to discuss Personnel matters. Motion carried.

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

Motion by Surkamp, second by R. Morgan to approve a \$2,500.00 increase for the salary of Michelle Mason, Capital Planning and Management Department. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

In re: **KIRK DAVIS - CAPITAL PROJECTS MANAGER - UPDATE ON INFORMATION COMING BACK FROM ELECTED OFFICIALS AND DEPARTMENT HEADS**

Kirk Davis, Capital Projects Manager appeared before the Commission to give updates on the Jail renovation, Sheriff's facility and the 9-1-1 Center.

Mr. Davis informed the Commission that the contractor for the Jail signed a contract and paid for 15 parking spaces 1 block up the street. Also, Mr. Davis talked with the Bank of Charles Town and that 6 spaces would be available for employee parking.

In re: **MIKE THOMPSON - MODIFICATION OF SPACE FOR NEW CLERICAL POSITION**

Mike Thompson, Prosecuting Attorney appeared before the Commission to discuss space for a new clerical position.

Motion by Surkamp, second by R. Morgan to grant the request from Mike Thompson to use the little room on the 3rd floor.

Motion by Manuel, second by F. Morgan to table this matter for two weeks for further review. Motion passed by a 3-2 vote. Commissioners R. Morgan and Surkamp voted no.

Kirk Davis, Capital Projects Manager will look at the space and report back to the Commission at the next meeting.

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

No report was given.

In re: **BRANDON SIMS - LEGAL UPDATE AND REPORT**

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

Ms. Sims discussed New Business - Decision on 2nd Quarter BRIM Premium. Motion by Manuel, second by Surkamp to continue with BRIM for 1 year. Amended motion by R. Morgan, second by F. Morgan to approve continuing with BRIM for 1 Quarter. Amended motion passed.

Ms. Sims discussed New Business - Employee Handbook. The Commission agreed to hold a work session on September 27th, 2007.

Ms. Sims reported on the status of the barking dog ordinance and the charitable solicitation ordinance. The Commission agreed to hold a work session on October 4th, 2007.

Ms. Sims reported on the following:

- Insurance overpayment
- Baldau - Order distributed to Commission
- County Commission vs. Ranson - Order distributed to Commission
- State Journal - tax bills
- IT support

Motion by Manuel, second by R. Morgan to enter into Executive Session to discuss pending litigation and liability issues. Motion carried.

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

In re: PAUL ROSA - FEDERAL LEGISLATION

Paul Rosa appeared before the Commission to ask the Commission to pass a resolution of support to urge the area's congressional leaders to seek an increased park boundary for the possible expansion of the Harpers Ferry National Historical Park.

Motion by Surkamp, second by F. Morgan to approve the resolution as presented.

Motion by Manuel, second by F. Morgan to table the matter for legal staff review and to place on the September 20th, 2007 agenda. Motion carried.

The Commission recessed for lunch at 12:15 p.m.

The Commission reconvened at 1:30 p.m.

Motion by Manuel, second by R. Morgan to enter into Executive Session to discuss pending litigation. Motion carried.

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

In re: LEGISLATIVE ISSUES

REVISIONS OF VARIOUS LEGISLATIVE ISSUES

The Commission reviewed the items presented from the summit meeting at the Woods Resort on July 24, 2007.

After review, the Commission determined that they are in agreement with all positions except support of the Community Empowerment Transportation Act for Counties. The Commission agreed that they are not in favor of and cannot support this bill at this time.

The Commission unanimously agreed on the following in priority order:

1. Annexations
2. Combining Fire and Emergency Services Board
3. Increasing Homestead Exemption for Seniors
4. Funding for Regional Jails
5. Affix ambulance and fire fees as part of property tax

In re: **APPROVAL OF EMPLOYMENT OF ANIMAL CONTROL SUPERVISOR**

Motion by Manuel, second by Surkamp to approve the employment of Donald Longerbeam as Animal Control Supervisor. Motion carried.

In re: **APPROVAL OF RESOLUTION - BIRTHRIGHT BABY OUTREACH - COMMUNITY PARTICIPATION PROGRAM GRANT**

Motion by Surkamp, second by R. Morgan to approve the Resolution for the Birthright Baby Outreach Community Participation Program Grant and to authorize the President of the Commission to affix her signature on the Resolution. Motion carried.

In re: **REQUEST FOR COUNTY COMMISSION INVOLVEMENT IN THE BAKERTON FIRE DEPARTMENT TEFRA HEARING AND PROPOSAL**

The Commission directed that the County Administrator look into this further and bring back more information.

In re: **REVIEW FILE IN HUNTER HOUSE FOR COMMISSIONERS**

Commissioner Surkamp discussed the matter to implement a file to contain incoming and outgoing correspondence from the Commission and Department Heads to be available for Commission to review.

Motion by Corliss, second by R. Morgan to implement an incoming and outgoing file containing information that the Commission would be interested to see from the Commission office and Department Heads.

Motion amended by Manuel to add to the motion that a log in and log out program be added to see how long and who reviews the correspondence.

Amended motion by Corliss, second by Surkamp to create an ingoing file and outgoing file containing information from department heads and to include a stamp in for the Commission to initial after review and to be on a 3 month trial. Motion failed by a 2-3 vote. Commissioners Manuel, F. Morgan and R. Morgan voted no.

In re: **RESOLUTION - SHEPHERDSTOWN BATTLEFIELD**

Motion by Manuel, second by F. Morgan to authorize the President of the Commission to affix her signature to the Resolution for the Shepherdstown Battlefield subject to legal review. Motion carried.

In re: REQUEST FOR REIMBURSEMENT OF OVERPAID FEES FOR SHEPHERDS RETREAT LLC

Motion by Manuel, second by R. Morgan to approve the request for reimbursement of overpaid fees for Shepherds Retreat LLC. Motion carried.

**In re: BUDGET PROCESS: REVIEW REQUIREMENTS FOR CONTINUOUS DATA COLLECTION
- ESTABLISH PROCESS AND RESPONSIBILITIES FOR STAFF OR COMMITTEES
- SET TIME LINES
- ELECTRONIC SCREENS**

Commissioner R. Morgan discussed the budget process. The wage study was also discussed. The Commission requested that the minutes for the April 2, 2007 budget deliberations be pulled out in order to determine the increase of 1.5% for employees.

The Commission directed that Mark Schiavone provide budget time lines and provide to Ms. Smith for review and comment. The Commission directed that Ms. Smith and Mr. Schiavone consult with each other for managing the upcoming budget and budget process.

In re: KENDIG KEAST/ORDINANCE REWRITE DISCUSSION

No action was taken on this agenda item.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on the Health Department meeting he attended. Commissioner Manuel reported on the Transportation Authority meeting he attended.

Commissioner F. Morgan reported on the upcoming Leadership Academy she will be attending.

The Commission agreed to hold the Council of Government's Meeting on Wednesday, August 29, 2007.

Commissioner Surkamp discussed impact fees and possible adjustments. The Commission agreed to place this on the Agenda on September 6, 2007.

The Commission received the following information:

Reminder that the County Commission meeting on August 30, 2007 is cancelled.

Resignation received from John M. Shrewsberry- Animal Control.

Correspondence received from the Division of Criminal Justice Services regarding Enforcing the Underage Drinking Laws Grant Program.

Correspondence received from the Monongalia County Commission regarding Pooled Health Insurance Program.

Thank you letter received from the NAACP regarding allocation funds received.

Correspondence received from Locke Wysong, Delegate regarding summary of several pieces of legislation which passed during the 2007 regular and first special legislative session.

Correspondence received from Brandon C. H. Sims, Assistant Prosecuting Attorney regarding Order concerning Questions in County Commission of Jefferson County v. Corporation of Ranson and P. David Mills: Jefferson County Circuit Court Case Number 060C-20.

Copy of the audit report of Jefferson County for the fiscal year ended June 30, 2006 received.

Thank you letter received from Jefferson County Community Ministries regarding donation received.

Invitation to attend the Special Event Welcoming Nancy G. McBride, Broker to Keller Williams Realty on Tuesday, August 28, 2007 from 3:00 PM to 6:00 PM at Keller William Realty - Jefferson Crossing.

Invitation to the Annual meeting of the Jefferson County Farm Bureau 2007 Annual Meeting/Dinner on Thursday, September 6, 2007 at 6:30 p.m. - The Barn at the McMurrin Farm.

Information received from the WV Association of Counties regarding Commissioners challenge annexation law.

Information received from the WV Association of Counties regarding Fayette Co. Confirms refusal to pay higher per-diem jail fee.

Information received from the County Commissioners' Association of WV regarding discussion of annexations on Sunday, August 19, 2007 at 4:00 p.m.

Information received from the WV Association of Counties regarding Regional Transportation Education Sessions.

Notice received from the West Virginia Division of Culture and History that Rock Spring, 200 Ridge Road, Shepherdstown vicinity, Jefferson County, will be considered by the Archives and History Commission for nomination to the National Register of Historic Places.

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

Upon rising, the Commission recessed until Thursday, September 6, 2007 beginning at 9:30 o'clock a.m.

PRESIDENT