

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 Jefferson County Courthouse thereof on Thursday, January 31, 2008 beginning at 9:30 o'clock a.m.

PRESENT: Frances B. Morgan; Commission President;
A.M.S. (Rusty) Morgan, III; James Surkamp;
Gregory A. Corliss; Dale Manuel; Commissioners

IN RE: PLEDGE OF ALLEGIANCE
Commissioner Manuel conducted the Pledge of Allegiance

IN RE: APPROVAL OF MINUTES
Motion by Corliss, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, January 24, 2008 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 January 31, 2008 totaling \$8,332.52: 45135, 45137, 45139, 45144, 45035, 45136, 44829, 45001, 45300, 45299, 45140, 45141, 45143, 44929, 44935, 44936 and 44519. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE
Motion by Corliss, second by Manuel to approve the list of Accounts Payable totaling \$145,548.45 dated January 31, 2008 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

Ck#	Dept	Vendor	PO#	PO Amt	Amt w/o PO	Ck Amt
054705	440	B-K OFFICE SUPPLY INC	44945	\$758.21	\$0.00	\$758.21
054705	989	B-K OFFICE SUPPLY INC	42421	\$364.00	\$0.00	\$364.00
054706	402	CAT TAIL RUN HAND BKBIND	44452	\$320.00	\$0.00	\$320.00
054707	402	CLERK OF CO. COMMISSION	45024	\$44.90	\$0.00	\$44.90
054708	440	MASON CARTER		\$0.00	\$40.36	\$40.36
054709	401	D I JACOBS CONSULTING		\$0.00	\$4,000.00	\$4,000.00
054710	422	KIRK DAVIS		\$0.00	\$135.83	\$135.83
054711	700	EMERGENCY EQUIP,LIGHTING	44771	\$129.00	\$0.00	\$129.00
054712	424	FRONTIER COMMUNICATIONS		\$0.00	\$956.36	\$956.36
054713	424	FRONTIER		\$0.00	\$561.37	\$561.37
054714	700	GALLS INCORPORATED	44774	\$5,365.16	\$0.00	\$5,365.16
054714	980	GALLS INCORPORATED	44774	\$954.00	\$0.00	\$954.00
054715	440	ROGER GOODWIN		\$0.00	\$32.75	\$32.75
054716	439	IKON OFFICE SOLUTIONS	44927	\$308.05	\$0.00	\$308.05
054717	431	JEFF CO DEVELOPMENT AUTH		\$0.00	\$80,000.00	\$80,000.00
054718	402	JEFFERSON PUBLISH CO INC	45033	\$589.79	\$0.00	\$589.79
054719	440	THE JOURNAL	44174	\$724.26	\$0.00	\$724.26
054720	808	JEFFERSON COUNTY SOLID		\$0.00	\$3,799.97	\$3,799.97
054721	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00

054722	700	MIDWEST RADAR & EQUIPMEN	44772	\$930.00	\$0.00	\$930.00
054723	700	MCKINNEY'S AUTO REPAIR	45129	\$120.78	\$0.00	\$120.78
054724	402	PIFER OFFICE SUPPLY, INC	45023	\$24.27	\$0.00	\$24.27
054725	401	PARTNERSHIP FOR AFFORDBL		\$0.00	\$30,000.00	\$30,000.00
054726	425	ROACH OIL COMPANY		\$0.00	\$717.95	\$717.95
054727	439	TONY REDMAN		\$0.00	\$481.12	\$481.12
054728	424	SHADE EQUIPMENT CO, INC	45127	\$159.37	\$0.00	\$159.37
054729	711	SOFTWARE SYSTEMS, INC	43685	\$713.58	\$0.00	\$713.58
054730	424	SPRINT PCS		\$0.00	\$84.03	\$84.03
054730	Grant	SPRINT PCS		\$0.00	\$156.28	\$156.28
054730	712	SPRINT PCS		\$0.00	\$1,261.58	\$1,261.58
054731	425	SHENANDOAH AIR COND/HTNG	44986	\$3,455.75	\$0.00	\$3,455.75
054732	700	THOMASSEN FORD MERCURY	45133	\$485.75	\$0.00	\$485.75
054732	700	THOMASSEN FORD MERCURY	45133	\$914.01	\$0.00	\$914.01
054733	980	TRICK TRUCKS XI, INC.	44765	\$455.00	\$0.00	\$455.00
054734	700	VALLEY TWO-WAY, INC	44769	\$146.87	\$0.00	\$146.87
054735	980	VITAL SIGNS	44770	\$895.00	\$0.00	\$895.00
054736	440	THOMAS VETTER		\$0.00	\$100.00	\$100.00
054737	700	WAHL BUSINESS SOLUTIONS	44767	\$204.21	\$0.00	\$204.21
Totals				\$18,061.96	\$123,327.60	\$141,389.56

Dept	Name	Dept Amt
401/COM	CO. COMMISSION	\$34,000.00
402/CCLK	CO. CLERK	\$978.96
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	
422/IMPACT	IMPACT FEE OPERATIONAL DEPT	\$135.83
424/CTHS	COURT HOUSE	\$1,761.13
425/OB	OTHER BUILDING	\$4,173.70
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	
431/ECON DEV	ECON DEV	\$80,000.00
433/GIS	GIS/ADDRESSING	
439/PZ	PLANNING ZONING	\$789.17
440/ENG.	DEPT OF ENGINEERING	\$1,655.58
451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$8,295.78

701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$713.58
712/911	911 COMMUNICATION	\$2,261.58
716/A/C	ANIMAL CONTROL	
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808/GOV UNIT	SWA CONTRIB OTHER GOV UNIT	\$3,799.97
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	\$2,304.00
983/CLK ELEC	CO CLERK ELECTION/CAP OUTLAY	
986/CAP/COMM	CO. COMMISSION/CAPITAL OUTLAY	
988/CAP/OB	OTHER BUILDING/CAPITAL OUTLAY	
989/CAP/AGT	AG AGT/CAPITAL OUTLAY	\$364.00
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
ALLOC	ALLOCATIONS	
GRANTS	GRANTS	\$156.28
PAYROLL	PAYROLL	
TOTALS		\$141,389.56

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on the status of House Bill 4057.

IN RE: HOUSE BILL 4119 (JS)

Commissioner Surkamp reported on comments received from Chris Fletcher regarding House Bill 4119.

Commissioner Manuel reported on the status of House Bill 4119.

Commissioners R. Morgan and Corliss expressed their concerns with House Bill 4119.

IN RE: DISCUSS HB 4057 AND SB 224 (FM)

Commissioner F. Morgan withdrew this agenda item upon receiving a status report from Commissioner Manuel under agenda item: "Legislative Issues".

IN RE: BONDING AND ACTIVITY REPORT

There was no Bonding and Activity report given this week.

IN RE: DUNN ENGINEERS - REQUEST FOR CONTRACT EXTENSION

Roger Goodwin, Chief County Engineer appeared before the Commission to report on the extension request from Dunn Engineers.

Kaye Moore, Mountain Water System Committee member appeared before the Commission to report on her discussions with Dunn Engineering Associates and to express her support for the extension request.

Motion by Manuel, second by R. Morgan to grant a 50-day contract extension for Dunn Engineers as recommended by Mr. Goodwin. Motion carried.

IN RE: ZONING AND SUBDIVISION ORDINANCE AMENDMENT DISCUSSION

Tony Redman, Director of Planning and Zoning appeared before the Commission to update the Commission on the ordinance amendments. Mr. Redman reported on the Planning Commission meeting held on Tuesday, January 29, 2008. Mr. Redman reported on Planning Commission objectives and goals.

Mr. Redman reported that all redline strikeouts should be available for Commission review the third week of February.

IN RE: REQUEST FOR A REVIEW OF THE PROGRESS OF THE JEFFERSON COUNTY RADIO INITIATIVE

Chief Barry Subelsky from the City of Charles Town Police Department appeared before the Commission to express his concerns with the radio initiative in Jefferson County.

Chief Subelsky reported on various concerns with communications and interference throughout Jefferson County and requested the Commission address this matter further with Jeff Polczynski, Communications Director for Jefferson County.

IN RE: PUBLIC COMMENT

No public comment was given.

IN RE: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE

No action was taken on this agenda item.

IN RE: CORRESPONDENCE FROM CHIEF DONALD H. BURACKER - SHARED LAW ENFORCEMENT RADIO CHANNELS

Chief Donald H. Buracker from the Harpers Ferry Police Department appeared before the Commission to express his concerns with radio interference in Jefferson County.

The Commission recommended Chief Buracker review the meeting from January 10, 2008 where Mr. Polczynski provided an update of all efforts being made to upgrade radio systems and communication within Jefferson County.

The Commission also reported on the radio system meeting and presentation with Jeff Polczynski scheduled for February 5, 2008 at 7:30 p.m. at Independent Fire Company and welcomed Chief Buracker to attend.

IN RE: MARK SCHIAVONE - IMPACT FEE ANNUAL REPORT

Mark Schiavone, Capital Planning and Management/Impact Fee Coordinator appeared before the Commission to present the Impact Fee annual report.

IN RE: JEFFERSON COUNTY LIBRARIES BUDGET REQUEST PRESENTATION

Hali Taylor, Director of the Jefferson County Library Task Force appeared before the Commission for a Fiscal Year 2009 budget request. Ms. Taylor provided the Commission with a report for Commission review and consideration.

Ms. Taylor further requested the Commission consider adopting a yearly budgetary line item for Jefferson County Libraries.

Malcolm Ater, Special Education Reading Teacher from Harpers Ferry Middle School was present for comments. Ms. Frances Cox from Friends of Shepherdstown Library Program was present for comments.

Dana Jenkins from South Jefferson Library was present and presented the Commission with testimonials in support of library programs.

IN RE: PATSY NOLAND - PERSONNEL MATTER

Patsy Noland, Circuit Clerk appeared before the Commission and requested an Executive Session in order to discuss personnel matters.

In order to have all parties present for Executive Session the Commission agreed to take a short break.

The Commission took a 10-minute break at 10:40 a.m.; the Commission reconvened at 10:50 a.m.

IN RE: PATSY NOLAND - PERSONNEL MATTER – CONTINUED

Motion by Corliss, second by Manuel to enter into Executive Session with Pasty Noland, Circuit Clerk; Stephanie Grove, Assistant Prosecuting Attorney and Mark Schiavone, Capital Projects Manager/Impact Fee Coordinator to discuss personnel matters as requested by Ms. Noland. Motion carried.

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

IN RE: APPOINTMENTS TO THE PARKS AND RECREATION COMMISSION

The Commission discussed the seven applicants to the Jefferson County Parks and Recreation Commission: Dan Cogswell, Lou Tiano, Robert Richard, Robert Shirley, Lee Reifke, Matthew Knott and Jennifer Baltzell. Commission President F. Morgan reported on the format for nomination and appointments of all applicants.

Nomination by Corliss to appoint Robert Shirley to the Jefferson County Parks and Recreation Commission for a term ending June 30, 2009.

Nomination by Corliss to appoint Matthew Knott to the Jefferson County Parks and Recreation Commission for a term ending June 30, 2009.

Nomination by Manuel to appoint Lou Tiano to the Jefferson County Parks and Recreation Commission for a term ending June 30, 2009.

Nomination by R. Morgan to appoint Robert Richard to the Jefferson County Parks and Recreation Commission for a term ending June 30, 2009.

Nomination by Surkamp to appoint Dan Cogswell to the Jefferson County Parks and Recreation Commission for a term ending June 30, 2009.

	Corliss	Manuel	F. Morgan	R. Morgan	Surkamp
D. Cogswell					✓
L. Tiano		✓	✓		✓
R. Shirley	✓	✓		✓	
M. Knott	✓			✓	
R. Richard			✓		

Robert Shirley was appointed to the Jefferson County Parks and Recreation Commission for a term ending June 30, 2009.

Lou Tiano was appointed to the Jefferson County Parks and Recreation Commission for a term ending June 30, 2009.

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

- **REQUEST PRESIDENT’S SIGNATURE FOR NOTICE AND ACKNOWLEDGMENT OF ASSIGNMENT FOR LEASE PURCHASE AGREEMENT**

Jennifer S. Maghan, County Clerk appeared before the Commission to request approval for notice and acknowledgement of assignment for lease purchase agreement with Summit Community Bank. Ms. Maghan reported on legal counsel’s review of the agreement.

Motion by R. Morgan, second by Manuel to approve the notice and acknowledgment of assignment for lease purchase agreement with Summit Community Bank as presented by Ms. Maghan. Motion carried.

IN RE: HOME FUNDING RECOMMENDATION FOR FISCAL YEAR 2008

Motion by R. Morgan, second by Manuel to approve the application for Home Consortium funding for Fiscal Year 2008 from the City of Charles Town. Motion carried.

IN RE: BUDGET; REPORT/FORECAST/ANALYSIS OF FY09 RECEIPTS WITH ALL APPLICABLE RISK FACTORS THOROUGHLY CONSIDERED

Commissioner F. Morgan expressed her concerns with previous budget procedures and overviews.

Commissioner F. Morgan requested Leslie D. Smith, County Administrator compile a comparison report detailing fiscal year 2008 mid year receipts with fiscal year 2007 receipts. Commissioner R. Morgan requested a weekly revenue/expenditure report detailing percentage differentials. Commissioner Corliss requested a report of yearly projected revenues for fiscal year 2009.

With consideration to upcoming budget deliberations and proceedings, Commissioner R. Morgan withdrew his request for weekly revenue/expenditure reports.

IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission for the legal update and report.

Ms. Grove reported on her review of the current Zoning Ordinance amendments and requested Executive Session to discuss them further.

Motion by Manuel, second by Corliss to enter into Executive Session to discuss potential litigation matters concerning the Jefferson County Zoning Ordinance amendments. Motion carried.

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

No action was taken during Executive Session.

The Commission recessed for lunch at 12:00 o'clock p.m.

The Commission reconvened at 1:35 o'clock p.m.; Commissioner Surkamp was absent.

IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission for the legal update and report. Ms. Grove reported on her review of the notice and acknowledgment of assignment for lease purchase agreement from Jennifer Maghan, County Clerk.

The Commission reported on their previous approval of the contract under agenda item: "Jennifer S. Maghan, County Clerk's Report."

IN RE: BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY - RECOGNITION AND AWARDS BANQUET

Leslie D. Smith, County Administrator reported on the invitation received from Blue Ridge Mountain Volunteer Fire Company's recognition and awards Banquet on February 9, 2008.

The Commission authorized Ms. Smith to RSVP for one County Commissioner to be in attendance.

IN RE: BARBARA HUMES - ELKS RUN STUDY COMMITTEE - REQUEST FOR WORK SESSION

Leslie D. Smith, County Administrator reported on the request by Barbara Humes to schedule a work session with the Commission on behalf of the Elks Run Study Committee.

The Commission authorized Ms. Smith to schedule a presentation during a regular session of the County Commission.

IN RE: EMERGENCY COMMUNICATIONS CENTER - CHANGE ORDER #3

Kirk Davis, Capital Projects Manager appeared before the Commission to report on the specification of the Emergency Communications Center Change order #3 request. Mr. Davis reported on the status of renovations and upgrades to the new Emergency Communications Center and recommended the Commission schedule a tour of the new facility.

Motion by Manuel, second by Corliss to approve Change Order #3 for the Emergency Communications Center as recommended by Kirk Davis. Motion carried.

Commissioner Surkamp arrived at 1:45 p.m.

Mr. Davis presented the Commission with a contract from Ameri-gas for use at the Emergency Communications Center.

Motion by Manuel, second by Corliss to approve the contact with Ameri-gas as presented by Mr. Davis. Motion carried.

IN RE: BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY - RECOGNITION AND AWARDS BANQUET – CONTINUED

Commissioner Surkamp agreed to attend Blue Ridge Mountain Volunteer Fire Company's recognition and awards banquet.

IN RE: EXECUTIVE SESSION - PERSONNEL ISSUE (FM)

Commissioner F. Morgan withdrew this agenda item.

IN RE: AUTHORITY TO RENT COUNTY BUILDING TO E-911 COMMISSION (FM)

Commissioner F. Morgan reported on the County Commission Association meeting she attended and information she obtained regarding fees from E-911 Commission rentals.

Leslie D. Smith, County Administrator reported on E-911 fee collections and revenues.

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator reported on the upcoming meetings with Don Jacobs in order to discuss the progress of the wage classification and compensation study.

Leslie D. Smith, County Administrator reported on the meeting scheduled with Vince Collins and expressed concerns with scheduling conflicts and requested Commission direction. The Commission authorized Ms. Smith to use proper discretion in scheduling all meetings and work sessions for the Commission.

Leslie D. Smith, County Administrator reminded the Commission of the new meeting format to begin February 7, 2008. The Commission by consensus agreed to delay the new format until March.

Leslie D. Smith, County Administrator reminded the County Commission of the invitation received from Friendship Fire Company for their recognition and awards banquet on Saturday, February 2, 2008.

IN RE: COUNTY COMMISSION REPORTS

Commissioner F. Morgan reported on her discussions with Kellie Boles regarding funding objectives for the Farmland Protection Board.

Commissioner F. Morgan reported on the Public Service District meeting she attended.

Commissioner F. Morgan reported on the Council of Governments meeting she attended.

Commissioner Manuel reported on the Council of Governments meeting he attended.

IN RE: BORE - ROLE OF PA (FM)

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to report on research she conducted regarding the Prosecuting Attorney's role during Board of Review and Equalization.

Brandon Sims, Assistant Prosecuting Attorney was present for comments

The Commission received the following information:

Notice received of a radio system meeting and presentation with Jeff Polczynski on February 5, 2008, at 7:30 p.m. at Independent Fire Company.

Acceptance of bond for Angus View Subdivision in the amount of \$153,073.

Report of Services and Expenses for the 2nd quarter received from the Ambulance Authority.

Correspondence received from the Chamber of Commerce concerning House Bill 4119.

Articles of Incorporation received from the Middleway Volunteer Fire Company.

Correspondence received from Comcast concerning services.

Order received from the United States Bankruptcy Court concerning Tackley Mill, LLC.

Correspondence received from the Hagerstown/Eastern Panhandle Metropolitan Planning Organization concerning the Transportation Enhancement Program Application.

Air quality presentation pamphlets received from the Eastern Panhandle Clean Air Connection.

Notice received from the Office of the State Auditor concerning the training seminar schedule for county officials.

Correspondence received from the Division of Culture and History concerning Shepherdstown Streetscape Phase II.

Stage Whispers newsletter received from the Old Opera House.

Jail progress meeting minutes received from Grove & Dall'Olio Architects.

Notice received from the Association of Counties of Workers' Compensation Seminars.

Legislative information received from the Association of Counties.

Correspondence received from F. Mark Schiavone concerning the fire lane located behind the Smoot Building.

Notice received from Loudoun County of a comprehensive plan amendment public hearing.

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

Miscellaneous

The Commission received the following correspondence:

Correspondence received concerning property tax assessment from: Marcia H. Hanigan, Horace & Joan Easterling, Richard A. & Mary L. Grasso, Paula J. Frickey, Robert W. & Margaret E. Lang, Mary E. Hylton, Dave Barnes and James L. & Marita R. Beall.

Upon rising, the Commission recessed until Thursday afternoon beginning at 2:30 o'clock p.m.

FRANCES B. MORGAN, COMMISSION PRESIDENT