

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, February 14, 2008, beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE
Commissioner Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES
Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, February 7, 2008, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS
Motion by Manuel, second by Corliss to approve the following Purchase Orders for the Week of February 14, 2008, totaling \$136,128.09: 44420, 45109, 44393, 44394, 45026, 45040, 45301, 45204, 44830, 45053, 45058, 45297, 45298, 45163, 44948, 44949, 44950, 45248, 45249, 45251, 45252, 45166, 45167, 45168, and 45169. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by R. Morgan, second by Corliss to approve the list of the Accounts Payable dated February 14, 2008, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
054802	428	ACS GOVERNMENT SYSTEMS	45037	\$ 306.06	\$ 0.00	\$ 306.06
054803	700	AMERICAN INTERNATIONAL	45152	\$ 2,426.43	\$ 0.00	\$ 2,426.43
054804	425	USA MOBILITY WIRELESS,IN		\$ 0.00	\$ 181.63	\$ 181.63
054804	700	USA MOBILITY WIRELESS,IN		\$ 0.00	\$ 389.89	\$ 389.89
054804	712	USA MOBILITY WIRELESS,IN		\$ 0.00	\$ 405.87	\$ 405.87
054805	425	BRIGGS WELD & RAD REPAIR	45157	\$ 476.00	\$ 0.00	\$ 476.00
054806	425	B-K OFFICE SUPPLY INC	45161	\$ 669.00	\$ 0.00	\$ 669.00
054806	440	B-K OFFICE SUPPLY INC	44944	\$ 1,210.00	\$ 0.00	\$ 1,210.00
054807	424	BOLAND SERVICES	45112	\$ 166.00	\$ 0.00	\$ 166.00
054807	425	BOLAND SERVICES	43758	\$ 385.00	\$ 0.00	\$ 385.00

054807	425	BOLAND SERVICES	45112	\$	427.00	\$	0.00	\$	427.00
054808	700	COUNTRY ROADS TIRE & AUT	45156	\$	334.92	\$	0.00	\$	334.92
054809	405	DANKA OFFICE IMAGING	45246	\$	433.66	\$	0.00	\$	433.66
054810	433	DELL MARKETING LP	42439	\$	380.59	\$	0.00	\$	380.59
054811	425	DAYCON	45154	\$	632.59	\$	0.00	\$	632.59
054812	425	DEHAVEN SEVEN-UP CORP		\$	0.00	\$	18.50	\$	18.50
054813	401	DUNN ENGINEERS, INC		\$	0.00	\$	2,062.50	\$	2,062.50
054814	424	J.C.EHRLICH		\$	0.00	\$	29.00	\$	29.00
054814	425	J.C.EHRLICH		\$	0.00	\$	332.00	\$	332.00
054815	980	EMERGENCY EQUIP,LIGHTING	45208	\$	1,402.00	\$	0.00	\$	1,402.00
054816	425	FIDELITY ENGINEERING	45158	\$	454.94	\$	0.00	\$	454.94
054817	412	FRONTIER		\$	0.00	\$	429.44	\$	429.44
054817	415	FRONTIER		\$	0.00	\$	330.67	\$	330.67
054817	424	FRONTIER		\$	0.00	\$	12,624.77	\$	12,624.77
054817	712	FRONTIER		\$	0.00	\$	3,834.01	\$	3,834.01
054818	700	GALLS INCORPORATED	45214	\$	1,094.29	\$	0.00	\$	1,094.29
054819	424	HASLER INC.	44311	\$	102.00	\$	0.00	\$	102.00
054820	440	KON OFFICE SOLUTIONS	44946	\$	990.53	\$	0.00	\$	990.53
054821	712	INFORMATION SERVICES		\$	0.00	\$	26.19	\$	26.19
054822	980	COP	45215	\$	1,812.92	\$	0.00	\$	1,812.92
054823	412	THE JOURNAL	45001	\$	265.20	\$	0.00	\$	265.20
054824	439	KENDIG KEAST		\$	0.00	\$	898.16	\$	898.16
054825	433	MSAG DATA CONSULTANTS IN		\$	0.00	\$	1,020.25	\$	1,020.25
054826	424	VERIZON BUSINESS		\$	0.00	\$	1,104.35	\$	1,104.35
054827	980	MPH INDUSTRIES INC	45210	\$	2,066.16	\$	0.00	\$	2,066.16
054828	405	STRAFFORD PUBLICATIONS	45247	\$	519.95	\$	0.00	\$	519.95
054829	712	NORFOLK SOUTHERN CORP		\$	0.00	\$	12.00	\$	12.00
054830	402	PIFER OFFICE SUPPLY, INC	45025	\$	220.81	\$	0.00	\$	220.81
054831	700	PENNSYLVANIA STATE UNIVE	45221	\$	1,420.00	\$	0.00	\$	1,420.00
054832	424	LANDMARK ELEVATOR INC.	44312	\$	240.00	\$	0.00	\$	240.00
054833	424	ROACH OIL COMPANY		\$	0.00	\$	479.09	\$	479.09
054833	425	ROACH OIL COMPANY		\$	0.00	\$	946.02	\$	946.02
054834	425	RCS SECURITY	45160	\$	2,694.25	\$	0.00	\$	2,694.25
054835	408	STATE TAX DEPARTMENT		\$	0.00	\$	10,636.44	\$	10,636.44
054836	401	STAPLES CREDIT PLAN		\$	0.00	\$	1,710.76	\$	1,710.76
054836	402	STAPLES CREDIT PLAN		\$	0.00	\$	189.72	\$	189.72
054836	404	STAPLES CREDIT PLAN		\$	0.00	\$	199.98	\$	199.98
054836	422	STAPLES CREDIT PLAN		\$	0.00	\$	19.90	\$	19.90
CHCKNO	DEPT	VENDOR	PONUM		POAMT		NOAMT		CHECK AMOUNT
054836	424	STAPLES CREDIT PLAN		\$	0.00	\$	124.78	\$	124.78
054836	430	STAPLES CREDIT PLAN		\$	0.00	\$	135.00	\$	135.00
054836	700	STAPLES CREDIT PLAN		\$	0.00	\$	881.95	\$	881.95
054836	712	STAPLES CREDIT PLAN		\$	0.00	\$	763.53	\$	763.53
054837	700	SOUTHERN POLICE EQUIP.CO	45209	\$	3,205.92	\$	0.00	\$	3,205.92
054838	980	DANA SAFETY SUPPLY	45211	\$	684.48	\$	0.00	\$	684.48
054839	425	SHENANDOAH VALLEY WATER		\$	0.00	\$	534.48	\$	534.48
054840	424	THOMASSEN FORD MERCURY	45159	\$	170.05	\$	0.00	\$	170.05
054841	425	HAGEMEYER NORTH AMERICA	45111	\$	3,617.35	\$	0.00	\$	3,617.35
054842	980	TRICK TRUCKS XI, INC.	45207	\$	455.00	\$	0.00	\$	455.00

054843	425	VALLEY HARDWARE COMPANY	45108	\$	104.66	\$	0.00	\$	104.66
054844	405	WEST PAYMENT CENTER	45245	\$	2,832.01	\$	0.00	\$	2,832.01
054845	PAYROLL	WVPEIA 896046625		\$	0.00	\$	9,080.00	\$	9,080.00
054846	700	WEST VIRGINIA UNIFORM-52	45217	\$	125.45	\$	0.00	\$	125.45
054847	440	WV CODE OFFICIALS ASSOC	44947	\$	350.00	\$	0.00	\$	350.00
054848	405	WV PROS.ATTORNEYS ASSOC.	45244	\$	800.00	\$	0.00	\$	800.00
054849	401	WVNET		\$	0.00	\$	16.67	\$	16.67
TOTAL								\$	82,892.77
TOTAL				\$	33,475.22	\$	49,417.55	\$	82,892.77

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$ 3,789.93
402/CCLK	CO. CLERK	\$ 410.53
403/CIR CLK	CIRCUIT CLERK	
404/TAX	TAX OFFICE	\$ 199.98
405/PA	PROS ATTY	\$ 4,585.62
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	\$ 10,636.44
412/AG	AG AGT	\$ 694.64
413/ELE	ELECTION	
415/MAG CT	MAGISTRATE COURT	\$ 330.67
415/	GENERAL SCHOOL/CO TRANSFER	
422/IMPACT	IMPACT FEE OPERATIONAL DEPT	\$ 19.90
424/CTHS	COURT HOUSE	\$ 15,040.04
425/OB	OTHER BUILDING	\$ 11,473.42
428/DATAP	DATA PROCESSING	\$ 306.06
430/HLS	HOMELAND SEC	\$ 135.00
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	\$ 1,400.84
439/PZ	PLANNING ZONING	\$ 898.16
440/ENG.	DEPT OF ENGINEERING	\$ 2,550.53
451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$ 9,878.85
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	
712/911	911 COMMUNICATION	\$ 5,041.60
716/A/C	ANIMAL CONTROL	
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
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	\$ 6,420.56
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	
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
ALLOC	ALLOCATIONS	
GRANTS	GRANTS	
PAYROLL	PAYROLL	\$ 9,080.00
TOTALS		\$ 82,892.77

In re: LEGISLATIVE ISSUES

Commissioner Manuel updated the Commission on the combined fees for Fire and EMS.

Commissioner Surkamp informed the Commission of legislation to appraise affordable housing using the income method. After discussion, motion by Surkamp, second by R. Morgan to fax/email to Senator John Yoder, a County Commission resolution in support of a bill being drafted that requires a change in tax assessment law whereby federally funded affordable housing be assessed using only the income method, with objections from Commissioners F. Morgan and Manuel to lines 13 and 14 that state "Provided, however, That federal or state income tax credits allowed with respect to such property shall not be treated as a part of the property or as income attributable to it. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

In re: PUBLIC COMMENT

No public comment was given.

In re: BONDING AND ACTIVITY REPORT

Upon recommendation from the Chief County Engineer, motion by R. Morgan, second by Manuel to approve the partial release of a letter of credit in the amount of \$93,046 for WV Hunter, LLC - The Point Subdivision, with the County to retain \$65,160. 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 informed the Commission that the public comments made after the January 2, 2008, deadline would be made available to the Commission. Mr. Redman also informed the Commission that the redline strikeout draft would be available next week.

In re: WORKSHOP SCHEDULE FOR ZONING ORDINANCE

The Commission discussed the workshop schedule for the zoning ordinance. The Commission agreed that they would not be able to set any workshop dates until the schedule for Board of Review and Equalization is known.

In re: BOYS & GIRLS CLUB - PRESENTATION OF YEAR'S ACTIVITIES

Shannon Leyton, from the Boys and Girls Club, appeared before the Commission and reported on the activities of the Boys and Girls Club in Jefferson County. Stephanie Pierson was also present and commented on their budget request. The Commission agreed to take up their budget request during budget deliberations.

In re: MARK SCHIAVONE - PROPOSED ORDINANCE MODIFICATIONS - UPDATE FEE CALCULATIONS

Mark Schiavone, Impact Fee Coordinator, appeared before the Commission to present the proposed ordinance modifications to update the fee calculation for Law Enforcement, Parks & Recreation, and Fire & EMS impact fees. After discussion, motion by Corliss, second by Surkamp to set a public hearing for the proposed ordinance modifications to update the impact fee calculation for Thursday, February 28, 2008 and to place the matter on the March 6, 2008 agenda for a decision. Motion carried.

In re: BRADLEY GRAY - STONEWALL HEIGHTS LLC - INFORMATION UPDATE FOR OLD STANDARD QUARRY PROPERTY

The appointment was cancelled by Bradley Gray.

In re: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE

No action was taken on this agenda item.

In re: COMMENTS/DIRECTION TO CLASS AND COMPENSATION CONSULTANT DON JACOBS

The Commission agreed to schedule a telephone conference with Don Jacobs, the Class and Compensation Consultant.

In re: OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT - APPROVAL OF PROFESSIONAL SERVICES AGREEMENT - STANTEC CONSULTING SERVICES, INC.

Motion by Manuel, second by R. Morgan to approve the Professional Services Agreement with Stantec Consulting Services, Inc. for the Office of Homeland Security and Emergency Management, pending review by legal counsel. Motion carried.

In re: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE

Motion by Surkamp, second by Corliss to reappoint Oscar Stine to the Water Advisory Committee for a 2-year term ending January 31, 2010. Motion carried.

In re: INVITATION TO ATTEND SHEPHERDSTOWN FIRE DEPARTMENT'S ANNUAL RECOGNITION AND AWARDS DINNER AND DANCE

The Commission agreed that Commissioner Surkamp would attend Shepherdstown

Fire Department's annual recognition and awards dinner and dance.

In re: RESTATEMENT OF JEFFERSON COUNTY COMMISSION NON SUPPORT FOR A REVISED VERSION OF HB 4119

Motion by Corliss, second by Surkamp to pass a resolution in opposition to HB 4511. The Commission agreed to delay the vote on the motion until later in the meeting.

In re: AMY JONES - HEALTH DEPARTMENT BUDGET REQUEST

Amy Jones, Administrator for the Jefferson County Health Department, appeared before the Commission to present the Health Department Budget Request. The Commission agreed to consider the request during budget deliberations.

In re: CORRESPONDENCE RECEIVED FROM JUDGE THOMAS W. STEPTOE, JR. - REQUEST FOR REVISION OF PLANS FOR PROBATION OFFICE

The Commission agreed to hold this matter over until next week.

In re: DISCUSS POTENTIAL CHANGE IN FARMLAND PROTECTION BOARD PROGRAM, RE DISTRIBUTION OF NRCS MATCHING FUNDS

Kellie Boles appeared before the Commission to discuss this agenda item. After discussion, the Commission agreed to have Ms. Boles draft a letter for the Commission's approval concerning the distribution of the NRCS funds.

In re: CONSIDER LETTER REGARDING SEPARATE NON-COORDINATED PLANNING FOR MIDDLEWAY FIRE PROTECTION AND COUNTY COMMISSION'S POSITION

Mike Mood, from Middleway Fire Department, appeared before the Commission and updated the Commission on the status of Middleway Fire Department.

The Commission took a 10 minute break at 11:25 a.m.

In re: VINCENT COLLINS, ESQ. - DISCUSSION WITH BOND COUNSEL - JUDICIAL ANNEX FINANCING AND RESOLUTION OF CONFLICT OF INTEREST ISSUE

Vincent Collins, Esq., bond counsel from Steptoe and Johnson, appeared before the Commission to discuss financing for the proposed judicial annex. Mr. Collins also discussed conflict of interest. After discussion, the Commission agreed that there is no conflict of interest problem and agreed to sign the letter stating that there is no conflict of interest.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney, appeared before the Commission to give a legal update and report.

Ms. Grove discussed the proposed sale of the water system for Glen Haven and

Cavaland. Sue Lawton, from the Jefferson County Public Service District, was present and commented on the matter. After discussion, motion by Surkamp, second by R. Morgan to have legal counsel draft a letter to support the retention of the water system for Glen Haven and Cavaland by the Jefferson County Public Service District. Motion carried.

In re: **RESTATEMENT OF JEFFERSON COUNTY COMMISSION NON SUPPORT FOR A REVISED VERSION OF HB 4119 - CONTINUED**

The Commission revisited the previous motion made by Commissioner Corliss and seconded by Commissioner Surkamp to pass a resolution in opposition to HB 4511. After discussion the Commission voted on the motion. The motion passed by a 4-1 vote. Commissioner Manuel voted no.

Jefferson County Resolution Regarding HB 4511

The Jefferson County Commission strongly opposed the earlier version of HB4511 as proposed in HB4119. The commission also requested that HB4119 be withdrawn from further legislative consideration.

HB4511 continues the errors contained in HB4119 and inappropriately interferes with locally elected county officials and government procedures. Further it is not in compliance with the intent of the Local Powers Act with respect to the execution of local authority.

The efforts behind HB4511 are designed to frustrate, delay and abort zoning and represent a vocal anti zoning minority that opposes zoning initiatives in both Berkeley and Jefferson Counties. The numerous public meetings associated with these current initiatives, still ongoing, belie the accusation that the public is uninformed on these matters.

Accordingly, the Jefferson County Commission resolves to continue opposition to those zoning changes proposed in HB4511 and HB4119. It is further requested that the legislators take action to withdraw HB 4511 from legislative consideration.

/s/

Frances B. Morgan, President
Jefferson County Commission

Date

In re: **USE OF IN-HOUSE IT EXPERTISE TO CUT COSTS**
The Commission agreed to discuss this matter next week.

In re: LETTER TO SHERIFF AND BOE REGARDING POSSIBILITY OF TRAFFIC SUPERVISION AT JEFFERSON HIGH SCHOOL

The Commission agreed to discuss this matter with Sheriff Boober next week.

In re: FIRE ASSOCIATION BUDGET TO INCLUDE SMALL APPROPRIATION TO ID LOCATIONS FOR POSSIBLE DRY FIRE HYDRANTS IN THE COUNTY - DISCUSS

Motion by Surkamp, second by Corliss to send a letter to the Fire and Rescue Association concerning the mapping of dry fire hydrants in the County. Motion carried.

In re: JEFFERSON UTILITIES RECENT SUBMISSION TO PSC

Stephanie Grove, Assistant Prosecuting Attorney, informed the Commission that they would have legal representation at the Public Service Commission hearing on February 29, 2008.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT - CONTINUED

Ms. Grove informed the Commission that she had reviewed the contracts with Stantec Consulting Services, Inc. and that the contracts were fine.

Ms. Grove informed the Commission that she received a request to make a presentation on zoning for a CLE class. The Commission agreed that it would be fine for Ms. Grove to make the presentation.

In re: COUNTY ADMINISTRATOR REPORTS

The County Administrator reminded the Commission of the annexation forum hosted by the League of Women Voters and of a breakfast at the Bavarian Inn that is also hosted by the League of Women Voters.

The County Administrator presented a change order for the Motorola radio contract that was received from Jeff Polczynski. After discussion, motion by F. Morgan, second by Manuel to approve the change order for the Motorola radio contract. Motion carried.

The County Administrator discussed with the Commission when to set the telephone conference with Don Jacobs. The Commission agreed to set the telephone conference for next Thursday at 9:00 a.m.

The Commission received the following information:

Reminder Courthouse is Closed Monday, February 18, 2008 - President's Day.

Acceptance of bond for Jackson Woods Subdivision and The Cambridge Manufactured Home Development.

West Virginia Local Health Department Contact Information booklet received.

Copy of correspondence to Roger Goodwin from Rosalind Welsh received.

Correspondence received from Senator Byrd concerning the George Washington Family homes.

Public hearing notice received from Loudoun County.

Notice received of a subdivision work session on Friday, February 15, 2008 beginning at 10:00 a.m.

Notice received from the League of Women Voters of an annexation forum on February 28, 2008, at Jefferson High School.

Invitation received from the League of Women Voters to attend a breakfast at the Bavarian Inn on February 23, 2008.

Draft of the Air Quality Program's maintenance plan received.

Correspondence received from Herb Snyder concerning the addition of a new area code.

Copy of correspondence sent to the Secretary of State from the Kanawha County Commission received concerning optical scan ballots.

Correspondence received from Amanda J. Baltierra concerning appointment to the Parks and Recreation Commission.

Legislative information received from the Association of Counties.

Legislative information received from the County Commissioners' Association.

Administrative notices received from the State Tax Department.

Meeting minutes received from the Jefferson County Public Service District.

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

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

PRESIDENT