

**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 28, 2008, 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 Surkamp conducted the Pledge of Allegiance.

**In re: APPROVAL OF PURCHASE ORDERS**  
Motion by Manuel, second by R. Morgan to approve the following Purchase Orders for the Week of February 25, 2008, totaling \$121,901.11: 44897, 45205, 44859, 45041, 45042, 45177, 44831, 45057, 45351, 45352, 45353, 45354, 45177, 45179, 44951, 44953, 45181, 45182, and 45355. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**  
Motion by R. Morgan, second by Corliss to approve the list of Accounts Payable totaling \$179,910.78 dated February 28, 2008 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CHKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
054914	424	ALLEGHENY POWER		\$-	\$932.12	\$932.12
054914	425	ALLEGHENY POWER		\$-	\$7,429.16	\$7,429.16
054915	412	AT&T		\$-	\$2.66	\$2.66
054916	700	AUTOZONE		\$-	\$274.73	\$274.73
054917	401	CO COMMISSIONERS ASSOC		\$-	\$350.00	\$350.00
054918	700	COUNTRY ROADS TIRE & AUT	45173	\$277.34	\$-	\$277.34
054919	424	*CREAMERS AUTO SERVICE	45172	\$41.65	\$-	\$41.65
054919	716	*CREAMERS AUTO SERVICE	45183	\$15.00	\$-	\$15.00
054920	425	CHARLES TOWN WATER DEPT	45180	\$86.50	\$-	\$86.50
054921	700	DHHR/OFFICE OF THE	45229	\$200.00	\$-	\$200.00
054922	440	DAMIEN DAVIS		\$-	\$569.84	\$569.84
054923	413	ELECTION SYST & SOFTWARE	45039	\$317.80	\$-	\$317.80
054924	425	FIDELITY ENGINEERING	45176	\$115.00	\$-	\$115.00
054925	424	FRONTIER COMMUNICATIONS		\$-	\$831.20	\$831.20
054926	700	GALLS INCORPORATED	45223	\$214.94	\$-	\$214.94
054926	700	GALLS INCORPORATED	45233	\$470.99	\$-	\$470.99
054926	980	GALLS INCORPORATED	45234	\$219.98	\$-	\$219.98
054927	415	GENERAL COUNTY FUND-J FE		\$-	\$25,137.50	\$25,137.50

054928	425	GRAINGER, INC	45178	\$89.52	\$-	\$89.52
054929	GRANT	BOYS & GIRLS CLUB		\$-	\$8,388.00	\$8,388.00
054930	712	DR ROBERT JONES		\$-	\$1,000.00	\$1,000.00
054931	700	MATTHEW BENDER & CO	45231	\$387.55	\$-	\$387.55
054932	412	JUDITH A MATLICK		\$-	\$1,344.31	\$1,344.31
054933	700	MCKINNEY'S AUTO REPAIR	45171	\$131.25	\$-	\$131.25
054934	401	DALE MANUEL		\$-	\$340.75	\$340.75
054935	402	JENNIFER S. MAGHAN		\$-	\$310.07	\$310.07
054936	700	MARKL SUPPLY CO.	45222	\$2,145.00	\$-	\$2,145.00
054937	405	NATL DIST ATTORNEYS ASSO	45252	\$165.00	\$-	\$165.00
054938	712	**NAT'L ACDMY O/EMERGENC	45061	\$45.00	\$-	\$45.00
054939	402	PIFER OFFICE SUPPLY, INC	45028	\$87.62	\$-	\$87.62
054939	402	PIFER OFFICE SUPPLY, INC	45040	\$267.00	\$-	\$267.00
054939	403	PIFER OFFICE SUPPLY, INC	44898	\$38.71	\$-	\$38.71
054940	712	PSYCHOLOGICAL HEALTH ASS	45055	\$375.00	\$-	\$375.00
054941	700	PUBLIC SAFETY CENTER INC	45226	\$128.89	\$-	\$128.89
054942	700	QUARTER MASTER	45225	\$72.97	\$-	\$72.97
054943	425	ROACH OIL COMPANY		\$-	\$1,750.79	\$1,750.79
054944	424	RCS SECURITY	45174	\$3,309.25	\$-	\$3,309.25
054944	425	RCS SECURITY	45174	\$5,967.50	\$-	\$5,967.50
054945	700	JOHN E. REID & ASSOC	45230	\$410.00	\$-	\$410.00
054946	430	RCVB - 2008 FESTIVAL	45293	\$35.00	\$-	\$35.00
054947	406	SHEETZ FLEET FUELING		\$-	\$43.53	\$43.53
054947	424	SHEETZ FLEET FUELING		\$-	\$899.14	\$899.14
054947	440	SHEETZ FLEET FUELING		\$-	\$555.49	\$555.49
054947	700	SHEETZ FLEET FUELING		\$-	\$9,982.43	\$9,982.43
054947	711	SHEETZ FLEET FUELING		\$-	\$209.54	\$209.54
<b>CHCKNO</b>	<b>DEPT</b>	<b>VENDOR</b>	<b>PONUM</b>	<b>POAMT</b>	<b>NOAMT</b>	<b>CHECK AMOUNT</b>
054947	712	SHEETZ FLEET FUELING		\$-	\$515.62	\$515.62
054947	716	SHEETZ FLEET FUELING		\$-	\$753.58	\$753.58
054948	700	WALTER F STEPHENS, JR IN	45224	\$33.50	\$-	\$33.50
054949	424	SPRINT PCS		\$-	\$81.83	\$81.83
054949	GRANT	SPRINT PCS		\$-	\$152.70	\$152.70
054949	712	SPRINT PCS		\$-	\$2,206.31	\$2,206.31
054950	980	DANA SAFETY SUPPLY	45227	\$89.76	\$-	\$89.76
054951	424	SHALLOW CREEK ELECTRICAL	45170	\$651.84	\$-	\$651.84
054951	425	SHALLOW CREEK ELECTRICAL	45170	\$1,218.94	\$-	\$1,218.94
054952	424	UPS		\$-	\$17.11	\$17.11
054953	712	VALLEY TWO-WAY, INC	45054	\$10,794.75	\$-	\$10,794.75
054954	716	VITAL SIGNS	45081	\$725.00	\$-	\$725.00
054954	980	VITAL SIGNS	45228	\$800.00	\$-	\$800.00
054955	424	WV BD O/RISK-INS MGT-#31		\$-	\$85,180.00	\$85,180.00
054956	700	WEST VIRGINIA UNIFORM-52	45232	\$188.90	\$-	\$188.90
054957	412	CRAIG W YOHN		\$-	\$435.22	\$435.22
054958	413	REVA MICKEY		\$-	\$50.00	\$50.00
054959	413	GARY DUNGAN		\$-	\$50.00	\$50.00
<b>TOTALS</b>						<b>\$179,910.78</b>
<b>TOTALS</b>				<b>\$30,117.15</b>	<b>\$149,793.63</b>	<b>\$179,910.78</b>

<b>DEPT</b>	<b>NAME</b>	<b>DEPT AMTS</b>
401/COM	CO. COMMISSION	<b>\$ 690.75</b>
402/CCLK	CO. CLERK	<b>\$ 664.69</b>
403/CIR CLK	CIRCUIT CLERK	<b>\$ 38.71</b>

404/TAX		TAX OFFICE			
405/PA		PROS ATTY			\$ 165.00
406/ASSR		ASSESSORS			\$ 43.53
408/GOV		ST.COMPNET CHG BO GOV UNIT			
412/AG		AG AGT			\$ 1,782.19
413/ELE		ELECTION			\$ 417.80
415/MAG CT		MAGISTRATE COURT			
415/		GENERAL SCHOOL/CO TRANSFER			\$ 25,137.50
422/IMPACT		IMPACT FEE OPERATIONAL DEPT			
424/CTHS		COURT HOUSE			\$ 91,944.14
425/OB		OTHER BUILDING			\$ 16,657.41
428/DATAP		DATA PROCESSING			
430/HLS		HOMELAND SEC			\$ 35.00
431/ECON DEV		ECON DEV			
433/GIS		GIS/ADDRESSING			
439/PZ		PLANNING ZONING			
440/ENG.		DEPT OF ENGINEERING			\$ 1,125.33
451/ZONING		ZONING DEPT			
700/SHRF		SHERIFF DEPT			\$ 14,918.49
701/SHRF		SHERIFF DEPT			
704/WV JAIL		ST/WV REGIONAL JAIL			
711/OES		EMERG SVC			\$ 209.54
712/911		911 COMMUNICATION			\$ 14,936.68
716/A/C		ANIMAL CONTROL			\$ 1,493.58
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			\$ 1,109.74
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			\$ 8,540.70
PAYROLL		PAYROLL			
<b>TOTALS</b>					<b>\$ 179,910.78</b>

**In re: LEGISLATIVE ISSUES**

Commissioner Manuel provided a status report on the proposed Senate Bill 224. Commissioner Manuel also discussed House Bill 4511 and Senate Joint Resolution 12.

**In re: BONDING AND ACTIVITY REPORT**

Roger Goodwin, Chief County Engineer appeared before the Commission and reported on the Mountain Community Water Study.

Sherry Kelly, Deputy Director of Planning and Zoning appeared before the Commission and distributed the Zoning Ordinance red-line Draft.

**In re: ZONING AND SUBDIVISION ORDINANCE AMENDMENT DISCUSSION**

This agenda item was discussed under the Bonding and Activity Report.

**In re: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE**

No action was taken on this agenda item.

**In re: PUBLIC COMMENT**

Ed Burns appeared before the Commission and commented on the agenda item regarding Jefferson County Commission letter to the WV Governor requesting him to not sign/veto HB4511.

Kenneth Derrickson appeared before the Commission to comment on his tax assessment.

Greg Lance appeared before the Commission to comment on the ruling of Judge Steptoe and also on HB4511.

Lyn Widmyer appeared before the Commission to comment on the ruling of Judge Steptoe.

**In re: BARBARA HUMES - ELK RUN STUDY COMMITTEE PRESENTATION**

Barbara Humes appeared before the Commission to discuss concerns and possible strategies for protecting critical areas in the Elks Run watershed.

After discussion, motion by Manuel, second by Surkamp to take the necessary steps to include Elk Run in the USGS Study. Motion carried.

**In re: ANDREW SKINNER, ESQ. & DOUG CARTER - STONEWALL HEIGHTS, LLC**

Andrew Skinner, Esquire appeared before the Commission to request rezoning of the Old Standard Quarry Property. Doug Carter was present and discussed the design. Tom Glatzal was present and discussed the financing for Stonewall Heights, LLC. Herb Yonkers, property owner was present and made comments. Dennis Fry, National Park Service was present and made comments supporting the design as presented by Mr. Carter.

**In re: MICHELLE GOLDMAN - FREE CLINIC BUDGET REQUEST**

Michelle Goldman, Free Clinic appeared before the Commission requesting funding for FY09. After discussion, the Commission agreed to discuss this during budget deliberations.

The Commission took a 10 minute break at 10:55 a.m.

The Commission reconvened at 11:05 a.m.

**In re: SEAN COOK - DAY REPORT CENTER**

Sean Cook appeared before the Commission to discuss the Day Report Center. Mr. Cook informed the Commission that he is in the process of writing a grant and the Commission would be responsible for 10%.

After discussion, by unanimous consent, Commissioner F. Morgan will contact the Berkeley County Commission to ask them to participate in the Day Report Center - Grant and to hold a work session with Berkeley County Commission if requested.

**In re: APPROVAL OF APPOINTMENT OF AMY B. JONES TO THE JEFFERSON COUNTY HOMELAND SECURITY & EMERGENCY MANAGEMENT STEERING COMMITTEE**

Motion by Manuel, second by R. Morgan to approve the appointment of Amy B. Jones to the Jefferson County Homeland Security & Emergency Management Steering Committee. Motion carried.

**In re: IMPACT FEE PUBLIC HEARING**

The Commission held a public hearing to consider public comments on the proposed amendments to the Law Enforcement Impact Fee, Parks and Recreation Impact Fee, and Fire and EMS Impact Fee Ordinances. The proposed amendments incorporate recently recalculated impact fee schedules for these fee categories.

For the record, Jane Peters, Executive Director Economic Development Authority was present and made comments. Fred Blackmer was present and made comments.

The Commission agreed to place this on next week's agenda for a decision.

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

Jennifer S. Maghan, County Clerk appeared before the Commission requesting approval of full-time employment of Katrina Bloomer. Motion by Manuel, second by Corliss to approve the full-time employment of Katrina Bloomer in the County Clerk's office. Motion carried.

Ms. Maghan presented a Final Accounting for signature of the President of the County Commission.

Ms. Maghan reported on the upcoming Primary Election training and ballot paper.

**In re: KIRK DAVIS & TOM POTTS - COURTHOUSE/JUDICIAL ANNEX DISCUSSION**

Kirk Davis, Capital Projects Manager appeared before the Commission to report on the Courthouse Annex as recommended by Silling and Associates and the Department of Capital Planning and Management.

Tom Potts from Silling and Associates was present and reported on the Courthouse Annex Plans. The revised plan included a new floor plan to include an additional common area and potential fourth floor.

After discussion, motion by Corliss to support the plan as proposed and work out the funding. Motion died due to the lack of a 2<sup>nd</sup>.

Motion by Manuel, second by R. Morgan to hold a public hearing in the evening during the week of March 15<sup>th</sup> - 20<sup>th</sup> at 7:00 p.m. consisting of a presentation of the plan and to hear comment. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

**In re: APPROVAL OF CHANGE ORDER #1 - SHERIFF'S OFFICE ANNEX**

Motion by Manuel, second by Surkamp to approve Change Order #1 - Sheriff's Office Annex. Motion carried.

The Commission recessed for lunch at 12:35 p.m.

The Commission reconvened at 1:30 p.m.

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

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission and discussed the following:

- Letter to PSD regarding sale of Cavaland-Glen Haven water system
- Nepotism Policy
- JCEP Order

**In re: REQUEST FOR SALARY INCREASE - MAGISTRATE COURT WORTHLESS CHECK CLERK**

Motion by Manuel, second by Corliss to approve the request for salary increase for Deborah Park - Magistrate Court Worthless Check Clerk. Motion carried.

**In re: REQUEST FOR SUPPORT - NATIONAL MINER'S DAY**

The Commission noted that the request for support - National Miner's Day was received. No action was taken on this agenda item.

**In re: EASTRIDGE HEALTH SYSTEMS - REQUEST FOR FUNDING FOR PUBLIC INEBRIATE SHELTER**

No action was taken on this agenda item.

**In re: APPROVAL OF EMPLOYMENT - CHRISTINA M. MILITO - ANIMAL CONTROL OFFICER**

Motion by Surkamp, second by Manuel to approve the employment of Christina M. Milito - Animal Control Officer.

**In re: APPROVAL OF EMPLOYMENT - COLIN JAMES HITT - DEPUTY SHERIFF**

Motion by R. Morgan, second by Surkamp to approve the employment of Colin James Hitt - Deputy Sheriff. Motion carried.

**In re: JEFFERSON COUNTY COMMISSION LETTER TO THE WV GOVERNOR REQUESTING HIM TO NOT SIGN/VETO HB4511(GC)**

Motion by Corliss, second by R. Morgan to approve the following Resolution: Motion passed by a 3-2 vote. Commissioners Manuel and F. Morgan voted no.

### **Jefferson County Resolution Regarding the Governor Signing/Vetoing HB 4511**

The Jefferson County Commission strongly opposed the earlier version of HB 4511 as proposed in HB 4119. The commission also requested that HB 4119 be withdrawn from further legislative consideration.

HB 4511 continues to errors contained in HB 4119 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.

Moreover, it is considered legislatively unfair that the municipalities are totally exempted from the provisions of HB 4511 which are targeted only for Jefferson and Berkeley Counties. Additionally, it is one thing to Up or Down Vote Zoning as a method of land use management; however, to place a very complex ordinance, such as a budget, for an Up or Down Vote, is to invite stagflation.

The efforts behind HB 4511 are designed to frustrate, delay and abort zoning and represent a vocal anti zoning minority that opposes zoning initiatives. The numerous public meeting associated with these current initiatives, still ongoing, belie the accusations that the public uninformed on these matters.

Accordingly, the Jefferson County Commission resolves to request the Governor of West Virginia of West Virginia to not sign, but veto HB 4511.

/s/ \_\_\_\_\_

Frances B. Morgan  
President  
Jefferson County Commission

February 28<sup>th</sup>, 2008

Date

In re: JEFFERSON COUNTY COMMISSION LETTER TO THE WV GOVERNOR HIGHLIGHTING THE FOLLOWING PROBLEMS AND CONCERNS REGARDING THE STATE MANDATED TAX ASSESSMENT APPRAISAL SYSTEM: (GC)

- \* Tax Assessor refusal to not utilize the Income Method option on both Commercial and Residential-Commercial property
- \* Tax Assessor refusal to provide the Board of Equalization and Review (BORE) all the information associated with the Comparables used to establish assessed market value
- \* Allowing the appraisal system to excessively escalate market values in one year and subsequent property taxes by in some cases over 100%
- \* Inability of the appraisal system to protect seniors on fixed incomes and low income families from excessive property tax appraisals that with the tax assessments exceeding any if available cost of living adjustments, that grossly affect these citizens health and quality of life
- \* Failure of the appraisal system's formulation to accurately reflect market values in large communities such as Shannondale on the mountain

Commissioner Corliss discussed sending a letter to the WV Governor highlighting problems and concerns regarding the State mandated tax assessment appraisal system. Mike Thompson, Prosecuting Attorney was present and made comments regarding the Assessor. Ginger Bordier, Assessor was present and made comments regarding the agenda item.

The Commission agreed that there needs to be a new fresh look at taxation.

In re: RFP HEALTH CARE PLANS BEFORE ENROLLMENT PERIOD - RE LONG-TERM & SHORT-TERM DISABILITY (JS)

No action was taken on the agenda item.

**In re: DISCUSSION OF CERTIFICATE OF DEPOSIT DUE MARCH 8<sup>TH</sup>, 2008**

The Commission agreed to leave the discretion of the Certificate of Deposit due March 8<sup>th</sup>, 2008 with the Sheriff/Treasurer and the County Administrator.

**In re: SET SCHEDULE FOR BUDGET HEARINGS AND WORKSHOPS**

The Commission agreed to hold a work session on Thursday, March 6, 2008 at 2:30 p.m.

**In re: PSC HEARING**

The Commission discussed the upcoming PSC Hearing on Friday, February 29, 2008 at 9:30 a.m.

**In re: FARMLAND PROTECTION BOARD LETTER (FM)**

Motion by Manuel, second by Corliss to pull the letter regarding the Farmland Protection Board. Motion carried.

**In re: PUBLIC COMMENT**

Kay Moore was present and made comments regarding the PSC Hearing to be held on February 28, 2008.

**In re: COUNTY ADMINISTRATOR REPORTS**

Leslie D. Smith, County Administrator reported on the following:

- Cable Franchise
- Agenda changes starting next week - County Commission directed
- Compensation and Wage Study
- Approval of Employment - Joy Fisher - Part-Time Addressing Assistant

The Commission agreed to hold a conference call with Don Jacobs - Jacobs Consulting on Thursday, March 6, 2008 at 1:30 p.m.

Motion by Manuel, second by R. Morgan to approve the employment of Joy Fisher - Part-Time Addressing Assistant. Motion carried.

**In re: COUNTY COMMISSION REPORTS**

No Commission reports were given.

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

Motion by Corliss, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, February 21, 2008, and to approve the Minutes as prepared. Motion carried.

**In re: PUBLIC COMMENT**

**Fred Blackmer was present and commented on tax issues.**

**In re: LEGAL UPDATE AND REPORT - CONTINUED**

**EXECUTIVE SESSION**

**Motion by Manuel, second by Corliss to enter into Executive Session to discuss legal matters pursuant to Peters vs. Wood County Commission. Motion carried.**

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

**The Commission received the following information:**

**Notice of draft zoning ordinance work sessions on March 10, 2008, March 17, 2008 and March 24, 2008.**

**Reminder of League of Women Voters Annexation forum on February 28, 2008, at 7:00 p.m.**

**Appointments to be made to the Board of Zoning Appeals for alternates and the Historic Landmarks Commission on March 13, 2008.**

**Appointments to be made to the Planning Commission on April 3, 2008.**

**Animal Control activity report received.**

**Invitation received to attend a Groundbreaking Ceremony for Burr Business Park, Phase 2 on Friday, February 29, 2008, at 11:00 a.m.**

**Legislative information received from the County Commissioners Association.**

**Legislative Lineup received from the County Commissioners Association.**

**Legislative information received from the Association of Counties.**

**Correspondence received from the Division of Highways concerning Mission Road.**

**Jefferson County Jail progress meeting minutes received.**

**Harpers Ferry/Bolivar PSD meeting minutes received.**

**E-911 fees received.**

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

Minutes, Operating Expense Worksheet and Budget report received from the Eastern Panhandle Transportation Authority.

Notice of Subdivision Work Session - Friday, March 7, 2008 at 10:00 a.m.

#### CORRESPONDENCE

Correspondence received from Joseph J. Snyder concerning vandalism at Duffields.

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

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PRESIDENT