

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, April 24, 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 Corliss conducted the Pledge of Allegiance

IN RE: APPROVAL OF MINUTES

Motion by Manuel, second by R. Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, April 17, 2008 and to approve the Minutes as presented. 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 April 24, 2008 totaling \$5,771.17: 44430, 44910, 45398, 45566, 45470, 45532, 45280, 45469, 45264 and 45265. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by R. Morgan to approve the list of Accounts Payable totaling \$76,717.04 dated April 24, 2008 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CK#	Dept	Vendor	PO#	PO Amt	wo PO	Ck Amt
055413	424	ALLEGHENY POWER		\$0.00	\$822.64	\$822.64
055413	425	ALLEGHENY POWER		\$0.00	\$5,290.49	\$5,290.49
055414	425	B-K OFFICE SUPPLY INC	45461	\$663.85	\$0.00	\$663.85
055415	711	AMERIGAS - RANSON	45278	\$241.04	\$0.00	\$241.04
055416	700	COUNTRY ROADS TIRE	45465	\$335.46	\$0.00	\$335.46
055417	424	*CREAMERS AUTO SERVICE	45466	\$440.37	\$0.00	\$440.37
055418	403	DAYTON LEGAL BLANK	44905	\$270.65	\$0.00	\$270.65
055418	976	DAYTON LEGAL BLANK	44909	\$10,361.95	\$0.00	\$10,361.95
055419	424	DELL MARKETING LP	45542	\$1,163.89	\$0.00	\$1,163.89
055419	716	DELL MARKETING LP	45542	\$1,163.89	\$0.00	\$1,163.89
055420	712	NANCY DOPSON		\$0.00	\$3.18	\$3.18
055421	433	HELEN DETTMER		\$0.00	\$20.67	\$20.67
055422	980	EMER EQUIP/LIGHTING	45324	\$520.00	\$0.00	\$520.00
055423	700	GALLS INCORPORATED	45327	\$176.98	\$0.00	\$176.98
055423	700	GALLS INCORPORATED	45327	\$1,786.71	\$0.00	\$1,786.71
055424	415	GENERAL COUNTY FUND		\$0.00	\$26,787.00	\$26,787.00
055425	425	GRAINGER, INC	45462	\$133.84	\$0.00	\$133.84
055426	451	STEPHANIE GROVE		\$0.00	\$83.43	\$83.43
055427	413	JEFF CO PUBLIC SER DEPT		\$0.00	\$27.30	\$27.30
055427	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$54.28	\$54.28
055428	402	JEFFERSON PUBLISH CO		\$0.00	\$367.94	\$367.94
055429	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00
055430	401	MARTINSBURG COC		\$0.00	\$15.00	\$15.00
055431	712	MOTOROLA INC	44833	\$5,380.00	\$0.00	\$5,380.00
055432	433	MSAG DATA CONSULTANTS	42433	\$425.00	\$0.00	\$425.00
055433	700	MCKINNEY'S AUTO REPAIR	45467	\$176.23	\$0.00	\$176.23
055434	404	PIFER OFFICE SUPPLY, INC	44526	\$115.75	\$0.00	\$115.75
055435	712	RESA VIII	45529	\$35.00	\$0.00	\$35.00
055436	425	ROACH OIL COMPANY		\$0.00	\$1,628.81	\$1,628.81
055437	424	SPRINT PCS		\$0.00	\$95.84	\$95.84
055437	GRANT	SPRINT PCS		\$0.00	\$163.26	\$163.26
055437	712	SPRINT PCS		\$0.00	\$1,328.26	\$1,328.26
055438	405	BRANDON C.H. SIMS		\$0.00	\$432.94	\$432.94
055439	424	SHENANDOAH AC/HEATING	45468	\$294.50	\$0.00	\$294.50

055440	425	SOUTHERN REFRIGERATION	45463	\$412.79	\$0.00	\$412.79
055441	711	STANTEC CONSULTNG SERV		\$0.00	\$8,387.50	\$8,387.50
055442	712	TESSCO INCORP	44834	\$1,270.87	\$0.00	\$1,270.87
055443	413	VITAL SIGNS	45565	\$218.00	\$0.00	\$218.00
055444	425	VIRGINIA FIRE PROTECTION	44995	\$1,200.00	\$0.00	\$1,200.00
055444	425	VIRGINIA FIRE PROTECTION	45460	\$2,859.00	\$0.00	\$2,859.00
055445	700	WVHTC FOUNDATION	45323	\$200.00	\$0.00	\$200.00
055446	405	DEBRA A. YOUNG		\$0.00	\$362.73	\$362.73
TOTALS				\$29,845.77	\$46,871.27	\$76,717.04

Dept	Name	Dept Amt
401/COM	CO. COMMISSION	\$15.00
402/CCLK	CO. CLERK	\$367.94
403/CIR CLK	CIRCUIT CLERK	\$270.65
404/TAX	TAX OFFICE	\$115.75
405/PA	PROS ATTY	\$795.67
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	
413/ELE	ELECTION	\$245.30
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	\$26,787.00
422/IMPACT	IMPACT FEE OPERATIONAL DEPT	
424/CTHS	COURT HOUSE	\$2,817.24
425/OB	OTHER BUILDING	\$12,243.06
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	\$445.67
439/PZ	PLANNING ZONING	
440/ENG.	DEPT OF ENGINEERING	
451/ZONING	ZONING DEPT	\$83.43
700/SHRF	SHERIFF DEPT	\$2,675.38
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$8,628.54
712/911	911 COMMUNICATION	\$9,017.31
716/A/C	ANIMAL CONTROL	\$1,163.89
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	\$10,361.95
978/CAP/PA	PROS ATTY/CAPITAL OUTLAY	
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	\$520.00
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	
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
ALLOC	ALLOCATIONS	
GRANTS	GRANTS	\$163.26
PAYROLL	PAYROLL	
TOTALS		\$76,717.04

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on Governor Manchin's visit to Jefferson County on Friday, April 25, 2008 for the signing of Senate Bill 224.

IN RE: BONDING AND ACTIVITY REPORT

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Manuel, second by Corliss to approve the complete release of a construction bond in the amount of \$182,078.00 for Maddex Farm Subdivision, Phase I. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve the complete release of a construction bond in the amount of \$84,866.00 for Maddex Farm Subdivision, Phase II. Motion carried.

IN RE: ZONING AND SUBDIVISION ORDINANCE AMENDMENT DISCUSSION

Tony Redman, Director of Planning and Zoning appeared before the Commission to report on the upcoming Zoning Amendment work sessions scheduled Friday, April 25, 2008.

Mr. Redman reported on his discussion with Jeremy Camp, City of Charles Town Planner with regard to Charles Town mapping.

Mr. Redman requested Assistant Prosecuting Attorney Stephanie Grove's attendance at the upcoming Zoning Amendment work sessions.

Commission members requested additional back up meeting dates for review of the ordinances. The Commission agreed to conduct an additional Zoning Amendment work session on Wednesday, April 30, 2008 at 10:00 a.m.

Mr. Redman reported on his coordinated efforts with Todd Fagan to upgrade County GIS maps. Mr. Redman recommended hiring an intern from Shepherd University to assist with the upgrades in a timely fashion. The Commission advised Mr. Redman to place the matter on next week's agenda for further consideration.

IN RE: PUBLIC COMMENT

Kit McGinnis appeared before the Commission to request that the Commission consider intervening in the Water Rate Increase filing by Jefferson Utilities.

Jacquelyn J. Milliron appeared before the Commission to express her opposition to the Water Rate Increase request filed by Jefferson Utilities.

Ronda Lehman appeared before the Commission to express her concerns with regard to comments made at previous Commission meetings by Tony Redman, Director of Planning and Zoning and Commissioner James Surkamp.

IN RE: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE

No action was taking on this agenda item.

IN RE: APPOINTMENTS OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS

No action was taking on this agenda item.

IN RE: APPROVAL OF DRAFT ZONING MAP TO BE REFERRED TO THE PLANNING COMMISSION FOR REVIEW

The Commission agreed to discuss this matter during the Zoning workshop scheduled for Friday, April 25, 2008 at 1:30 p.m.

IN RE: KIRK DAVIS - SPACE EVALUATION PRESENTATION

Kirk Davis, Capital Projects Manager appeared before the Commission to provide an update for ongoing County building projects.

Mr. Davis reported on the completion of the Jail Annex, the Sheriff's Building in Bardane and the 9-1-1 Center. Mr. Davis commended numerous county officials and employees for their efforts for timely completion of the projects.

To further discuss additional county projects and space allocation, the Commission agreed to move Mr. Davis' space evaluation presentation to the 1:30 p.m. workshop. Mr. Davis provided the Commission with copies of a space evaluation report for their review that includes relocation and space allocation of various County Departments.

Commissioner F. Morgan took a moment to introduce Patsy Noland's grandchildren and Jeff Polczynski's son who were present in participation of "Take your Child to Work day"

IN RE: JEFF POLCZYNSKI - REQUEST FOR APPROVAL FOR EMPLOYMENT OF PUBLIC SAFETY DISPATCHER

Jeff Polczynski, Director of Communications, appeared before the Commission for a presentation and discussion with regard to staff openings in the 9-1-1 Center.

Mr. Polczynski reported on current overtime expenditures with regard to staffing shortages at the 9-1-1 Center and requested the Commission consider approval of two Public Safety Dispatchers.

IN RE: APPROVAL OF EMPLOYMENT - WILLIAM SCHWEITZER - PUBLIC SAFETY DISPATCHER

Motion by Manuel, second by Corliss to approve the full-time employment of William Schweitzer as a Public Safety Dispatcher. Motion carried.

IN RE: APPOINTMENTS TO THE JEFFERSON COUNTY DEVELOPMENT AUTHORITY

Leslie D. Smith, County Administrator reported on the current vacancies to the Jefferson County Development Authority. Ms. Smith also reported on the letters received from current members expressing an interest in being reappointed.

William Chesley, Conrad Hammann and James Tolbert were present for interviews to the Jefferson County Development Authority.

The Commission agreed to hold over appointments to the Jefferson County Development Authority for one week in order to conduct interviews for all interested applicants. The Commission authorized Ms. Smith to contact interested applicants to schedule interviews for the week of May 1, 2008.

The Commission took a 15 minute break at 10:45 a.m. The Commission reconvened at 11:00 a.m.

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

- **DEADLINE FOR COMMISSION TO SUBMIT BALLOT LANGUAGE TO CLERK'S OFFICE TO BE PLACED ON GENERAL ELECTION BALLOT**
- **HAMILTON BUILDING CONTRACT - REQUEST APPROVAL AND SIGNATURE FROM COMMISSION FOR LEASE AGREEMENT**

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

Ms. Maghan reported on early voting and M-100 reviews by early voters.

Ms. Maghan reminded the Commission of the August 26, 2008 deadline to submit ballot language for the General Election. Ms. Maghan also discussed voting guidelines and restrictions.

Ms. Maghan requested the Commission approve the Hamilton Building contract for one year and authorize the Commission President to affix her signature upon the lease agreement for storage of elections equipment. Stephanie Grove, Assistant Prosecuting Attorney was present and reported on her review of the lease agreement.

Motion by Surkamp, second by R. Morgan to approve the Hamilton Building lease agreement for one year as presented by the County Clerk for storage of elections equipment.

Motion by Manuel, second by Corliss to postpone the decision for the Hamilton Building lease contract pending the 1:30 p.m. presentation by Kirk Davis, Capital Projects Manager. Motion failed by a 2-3 vote; Commissioners Surkamp, F. Morgan and R. Morgan voted no.

The original motion by Commissioner Surkamp was voted upon and carried by a 4-1 vote; Commissioner Corliss voted no.

Ms. Maghan reported that voter registration closed on April 22, 2008, not April 29, 2008 as recently advertised in the Spirit of Jefferson.

Ms. Maghan reported on Election Day procedures training scheduled for May 8, 2008.

Commissioner F. Morgan announced the Eastern Panhandle free Clinic Open House scheduled for April 28, 2008.

IN RE: NEW JEFFERSON UTILITIES WATER RATE INCREASE FILING (JS)

Scott Tatina appeared before the Commission on behalf of the Mountain Water System Committee and Gapview Subdivision to express concerns with the recent filing by Jefferson Utilities for a water rate increase and requested Commission intervention.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on legal options available to the Commission for intervention.

Kaye Moore, Mountain Water System Committee member was present to request the Commission intervene as well as initiate an investigation into the water rate increase filings by Jefferson Utilities Incorporated and Snyder Environmental Services with regard to the financial relationship between the two organizations.

Commissioner Manuel recused himself from this matter.

Motion by Surkamp, second by R. Morgan that the County Commission intervene on behalf of the County ratepayers affected by water rate increases requested by Jefferson Utilities Incorporated publicly noticed April 16, 2008 in the Spirit of Jefferson.

Alice Chakmakian was present for comments on behalf of Jefferson Utilities Incorporated.

After further comments and consideration, Commissioner R. Morgan withdrew his second from Commissioner Surkamp's original motion. Commissioner F. Morgan then seconded the original motion that the County Commission intervene on behalf of the County ratepayers affected by water rate increases requested by Jefferson Utilities Incorporated publicly noticed April 16, 2008 in the Spirit of Jefferson.

Motion by Corliss, second by R. Morgan to table this matter for one week in order to better clarify the matter on the agenda. Motion failed by a 2-2 deadlock vote; Commissioner Surkamp and F. Morgan voted no, Commissioner Manuel recused himself.

The original motion by Surkamp, second by F. Morgan that the County Commission intervene on behalf of the County ratepayers affected by water rate increases requested by Jefferson Utilities Incorporated publicly noticed April 16, 2008 in the Spirit of Jefferson was voted upon and carried.

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 provided an update on the Don Orser status hearing on his pending tax appeal in the Circuit Court and the Rattlesnake Run tax appeal status hearing scheduled for Monday, April 28, 2008.

Ms. Grove distributed copies of the opinion and recommendations of the zoning revisions and requested Executive Session with Tony Redman, Director of Planning and Zoning to discuss the matter further.

The Commission took a 5-minute break at 11:55 a.m. The Commission reconvened at 12:00 p.m.

IN RE: EXECUTIVE SESSION

Motion by R. Morgan, second by Manuel to enter into Executive Session with Assistant Prosecuting Attorney Grove and Mr. Redman to discuss pending legal matters. Motion carried.

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

The Commission recessed for lunch at 12:15 p.m. The Commission reconvened at 1:30 p.m.

IN RE: COUNTY COMMISSION WORKSHOP

The Commission conducted a workshop with Kirk Davis, Capital Projects Manager to further discuss County Projects, Space Allocation for various County Departments and alternative storage options for Elections equipment.

Mr. Davis discussed various alternatives for relocation of several County Departments within the St. Margaret's Building in order to allocate the basement area of the building to supply adequate storage of elections equipment for the County Clerk.

Motion by Manuel, second by Corliss to reconsider approving the Hamilton Building lease agreement and approve storage of elections equipment in the lower level of the St. Margaret's Building. Motion carried by a 4-1 vote; Commissioner Surkamp voted no.

Motion by R. Morgan, second by Manuel to hold off approval of the Hamilton Building lease agreement for one week. Motion carried by a 4-1 vote; Commissioner Surkamp voted no.

In order to complete necessary renovations and upgrades to several county offices, Mr. Davis provided staff recommendations for completing the tasks as opposed to hiring outside contractors.

Mr. Davis discussed alternatives for housing a Day Report Center in Jefferson County to include a Regional Day Reported Center in Berkeley County to service both Jefferson and Berkeley County clients. The Commission agreed by consensus to authorize Mr. Davis to contact the Berkeley County Probation Department with a proposed plan for further review and consideration.

The Commission discussed various concerns with parking issues and adequate court room availability for Magistrate Court and Circuit Court Judges.

The Commission agreed by consensus to task Mr. Davis to do the following and report his findings to the Commission:

- Ensure adequate storage availability for elections equipment for the County Clerk
- Contact Berkeley County Probation Department for additional information on a proposed 23rd Judicial Circuit Regional Day Report Center for Jefferson County clients that will include public transportation for clients unable to provide their own transportation; and
- Look into additional space to ensure sufficient availability of additional Court Rooms.

IN RE: COUNTY COMMISSION REPORTS

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

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator reminded the Commission of the School Board meeting scheduled for May 7, 2008.

The Commission received the following information:

Notice of a County Commission work session on Friday, April 25, 2008, at 1:30 p.m. and Monday, April 28, 2008, at 10:00 a.m. to review the revised draft of the February 28, 2008 proposed zoning ordinance.

Reminder - Council of Governments meeting is on Wednesday, April 30, 2008, at 5:00 p.m.

Memorandum received from Tony Redman concerning proposed draft zoning ordinance questions to legal.

Financial summary received from the Development Authority for the quarter ending December 31, 2007.

Correspondence received from the Division of Criminal Justice Services acknowledging receipt of the request for Community Corrections Grant funds.

Correspondence received from the Division of Culture and History concerning the Bullskin Run Historic District.

Notice of meeting of the Jefferson County Emergency Food & Shelter Local Board on Thursday, May 1, 2008, at 12:30 p.m.

Notice received of an Open Studio at Sycamore Pottery on April 26-27, 2008, from 10:00 a.m. to 4:00 p.m.

Correspondence received from Khan & Hill, Inc. concerning their appreciation for the assistance received from the Development Authority staff.

Jefferson County Jail Progress Meeting minutes received.

Information received from Scott Tatina concerning water rates.

Copy of correspondence received from the Berkeley County Commission to the Community Corrections Program concerning an application for grant funds.

Correspondence received from the Historic Landmarks Commission concerning a proposed cell tower.

Information received from the Association of Counties concerning SB 492.

Invitation received from Senator John D. Rockefeller, IV to attend the third West Virginia Summit on Homeland Security on June 1-2, 2008.

E-911 fees received from CTC of West Virginia.

E-911 fees received from AT&T Comm-West Virginia, Inc.

Letter of resignation received from Charles C. Cheezum as a member of the Parks and Recreation Commission.

The Commission received the following correspondence:

Correspondence received from Julia Jones concerning Comcast.

Upon rising, the Commission recessed until Thursday afternoon beginning at 1:30 o'clock p.m.

FRANCES B. MORGAN, COMMISSION PRESIDENT