

**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, May 8, 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 Morgan conducted the Pledge of Allegiance.

**In re: DISPENSE WITH READING OF MINUTES**  
Motion by Manuel, second by R. Morgan to dispense with the reading of the Minutes for the Special Session held on Wednesday, April 30, 2008, and to approve the Minutes as prepared. Motion carried.  
Motion by R. Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, May 1, 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 May 5, 2008, totaling \$44,556.38: 45568, 45571, 45572, 45573, 45578, 45544, 45656, 45485, 45066, 45072, 45074, 45519, 45520, 45533, 45540, 45379, 45380, 45002, 45440, 45482, 45269, 45270, 45271, 45543, 45186, 45487, 45488, and 45371. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**  
Motion by Corliss, second by R. Morgan to approve the list of the Accounts Payable dated May 8, 2008, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

Ck#	Dept	Vendor	PO#	PO Amt	Amt wo PO	Ck Amt
055499	413	ALLEGHENY POWER		\$0.00	\$179.93	\$179.93
055500	424	BOLAND SERVICES	45112	\$166.00	\$0.00	\$166.00
055500	425	BOLAND SERVICES	45112	\$427.00	\$0.00	\$427.00
055500	425	BOLAND SERVICES	45163	\$385.00	\$0.00	\$385.00
055501	716	BLUE RIDGE VETERINARY	45473	\$76.50	\$0.00	\$76.50
055502	983	CASTO & HARRIS INC	45570	\$13,417.50	\$0.00	\$13,417.50
055503	424	CHARLES TOWN WATER		\$0.00	\$94.12	\$94.12
055503	425	CHARLES TOWN WATER		\$0.00	\$718.28	\$718.28
055504	440	MASON CARTER		\$0.00	\$21.49	\$21.49
055505	425	DAYCON	45472	\$990.37	\$0.00	\$990.37
055506	412	SHANNA D. NICODEMUS		\$0.00	\$72.09	\$72.09
055507	401	DUNN ENGINEERS, INC		\$0.00	\$15,774.50	\$15,774.50
055508	712	EAST PANHANDLE PRINT	45532	\$699.05	\$0.00	\$699.05
055509	983	ELECTION SYS & SOFT	45569	\$103,643.00	\$0.00	\$103,643.00
055510	712	EARTHLINK INC		\$0.00	\$21.95	\$21.95
055511	424	J.C.EHRLICH		\$0.00	\$29.00	\$29.00
055511	425	J.C.EHRLICH		\$0.00	\$335.00	\$335.00
055512	440	FIFTH THIRD BANK	45361	\$583.95	\$0.00	\$583.95
055512	402	FIFTH THIRD BANK		\$0.00	\$29.95	\$29.95
055512	402	FIFTH THIRD BANK		\$0.00	\$431.30	\$431.30
055512	413	FIFTH THIRD BANK		\$0.00	\$3,104.59	\$3,104.59
055512	424	FIFTH THIRD BANK		\$0.00	\$65.00	\$65.00
055512	425	FIFTH THIRD BANK		\$0.00	\$279.60	\$279.60
055512	433	FIFTH THIRD BANK		\$0.00	\$229.93	\$229.93
055512	439	FIFTH THIRD BANK		\$0.00	\$715.02	\$715.02
055512	440	FIFTH THIRD BANK		\$0.00	\$274.82	\$274.82
055512	440	FIFTH THIRD BANK		\$0.00	\$405.00	\$405.00
055512	700	FIFTH THIRD BANK		\$0.00	\$1,511.93	\$1,511.93
055512	711	FIFTH THIRD BANK		\$0.00	\$610.89	\$610.89
055512	712	FIFTH THIRD BANK		\$0.00	\$579.73	\$579.73
055512	712	FIFTH THIRD BANK		\$0.00	\$56.08	\$56.08
055512	712	FIFTH THIRD BANK		\$0.00	\$1,077.72	\$1,077.72
055512	712	FIFTH THIRD BANK		\$0.00	\$50.00	\$50.00
055512	712	FIFTH THIRD BANK		\$0.00	\$40.13	\$40.13
055513	700	GALLS INCORPORATED	45331	\$16.98	\$0.00	\$16.98

055513	700	GALLS INCORPORATED	45332	\$317.16	\$0.00	\$317.16
055514	415	GENERAL COUNTY FUND		\$0.00	\$28,808.83	\$28,808.83
055515	440	ROGER GOODWIN		\$0.00	\$45.00	\$45.00
055516	716	HILLSIDE VETERINARY	45188	\$373.45	\$0.00	\$373.45
055517	433	KON OFFICE SOLUTIONS	42426	\$152.64	\$0.00	\$152.64
055517	401	KON OFFICE SOLUTIONS		\$0.00	\$272.25	\$272.25
055518	700	JEFF CO HEALTH DEPT	45330	\$45.00	\$0.00	\$45.00
055519	412	JEFFERSON PUBLISH CO	45004	\$23.50	\$0.00	\$23.50
055520	413	JEFFERSON UTILITIES INC		\$0.00	\$18.00	\$18.00
055520	425	JEFFERSON UTILITIES INC		\$0.00	\$234.00	\$234.00
055521	712	MORGAN TROPHIES	45073	\$94.00	\$0.00	\$94.00
055522	425	HOME DEPOT CREDIT		\$0.00	\$909.94	\$909.94
055523	700	MCKINNEY'S AUTO	45474	\$181.53	\$0.00	\$181.53
055524	403	PATRICIA A NOLAND		\$0.00	\$336.19	\$336.19
055525	712	**NAT'L ACDMY O/EMER	45527	\$45.00	\$0.00	\$45.00
055526	712	PSYCHOLOGICAL HEALTH	45516	\$750.00	\$0.00	\$750.00
055527	700	QUARTER MASTER	45328	\$39.98	\$0.00	\$39.98
055528	425	ROACH OIL COMPANY		\$0.00	\$155.54	\$155.54
055529	402	RECORD MANAGEMENT	45382	\$49.00	\$0.00	\$49.00
055530	401	SOFTWARE SYSTEMS, INC		\$0.00	\$163.00	\$163.00
055530	402	SOFTWARE SYSTEMS, INC		\$0.00	\$1,097.50	\$1,097.50
055530	403	SOFTWARE SYSTEMS, INC		\$0.00	\$366.00	\$366.00
055530	439	SOFTWARE SYSTEMS, INC		\$0.00	\$30.50	\$30.50
055531	406	STAPLES CREDIT PLAN		\$0.00	\$446.64	\$446.64
055531	424	STAPLES CREDIT PLAN		\$0.00	\$197.20	\$197.20
055531	433	STAPLES CREDIT PLAN		\$0.00	\$78.70	\$78.70
055531	439	STAPLES CREDIT PLAN		\$0.00	\$383.35	\$383.35
055531	440	STAPLES CREDIT PLAN		\$0.00	\$159.10	\$159.10
055531	700	STAPLES CREDIT PLAN		\$0.00	\$635.46	\$635.46
055531	711	STAPLES CREDIT PLAN		\$0.00	\$446.93	\$446.93
055531	712	STAPLES CREDIT PLAN		\$0.00	\$1,774.88	\$1,774.88
055531	716	STAPLES CREDIT PLAN		\$0.00	\$259.91	\$259.91
055532	425	SPECTRUM FIRE PROTECT	44965	\$200.00	\$0.00	\$200.00
055533	425	SHEN VALLEY WATER		\$0.00	\$876.20	\$876.20
055534	700	SHANNON R. TRAVIS	45329	\$116.00	\$0.00	\$116.00
055535	402	UNITED SYS & SOFT		\$0.00	\$184.00	\$184.00
055535	403	UNITED SYS & SOFT		\$0.00	\$157.00	\$157.00
055536	412	UNIVERSITY OF GEORGIA	45003	\$39.95	\$0.00	\$39.95
055537	716	VALLEY PET CEMETERY		\$0.00	\$208.00	\$208.00
055538	716	VA CENTER FOR POLICE	45092	\$320.00	\$0.00	\$320.00
<b>TOTALS</b>						<b>\$188,104.73</b>
<b>DEPT</b>		<b>NAME</b>				<b>DEPT AMTS</b>
401/COM		CO. COMMISSION			\$	16,209.75
402/CCLK		CO. CLERK			\$	1,791.75
403/CIR CLK		CIRCUIT CLERK			\$	859.19
404/TAX		TAX OFFICE				
405/PA		PROS ATTY				
406/ASSR		ASSESSORS			\$	446.64
408/GOV		ST.COMPNET CHG BO GOV UNIT				
412/AG		AG AGT			\$	135.54
413/ELE		ELECTION			\$	3,302.52
415/MAG CT		MAGISTRATE COURT				
415/		GENERAL SCHOOL/CO TRANSFER			\$	28,808.83
422/IMPACT		IMPACT FEE OPERATIONAL DEPT				
424/CTHS		COURT HOUSE			\$	551.32
425/OB		OTHER BUILDING			\$	5,510.93
428/DATAP		DATA PROCESSING				
430/HLS		HOMELAND SEC				
431/ECON DEV		ECON DEV				
433/GIS		GIS/ADDRESSING			\$	461.27
439/PZ		PLANNING ZONING			\$	1,128.87
440/ENG.		DEPT OF ENGINEERING			\$	1,489.36
451/ZONING		ZONING DEPT				
700/SHRF		SHERIFF DEPT			\$	2,864.04
701/SHRF		SHERIFF DEPT				
704/WV JAIL		ST/WV REGIONAL JAIL				

711/OES	EMERG SVC	\$	1,057.82
712/911	911 COMMUNICATION	\$	5,188.54
716/A/C	ANIMAL CONTROL	\$	1,237.86
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		
983/CLK ELEC	CO CLERK ELECTION/CAP OUTLAY	\$	117,060.50
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		
<b>TOTALS</b>		\$	<b>188,104.73</b>

**In re: LAND BOOK CERTIFICATION**

Upon request from Angie Banks of the Assessor's office, motion by Manuel, second by F. Morgan to approve the Commission's signatures on the land book certification. Motion carried.

**In re: BONDING AND ACTIVITY REPORT**

Upon recommendation from the Chief County Engineer, motion by Corliss, second by Manuel to approve a partial release of a letter of credit in the amount of \$87,103 for Home Hill Corporation, with the County to retain \$242,448. Motion carried.

Mr. Goodwin also reported on a letter received from Dunn Engineering concerning the Mountain Water Study. Sue Lawton and Kay Moore were present and commented on the matter. The Commission agreed to schedule a work session with the Jefferson County Public Service District. The Commission also discussed a related agenda item from the Mountain Water Systems Fair Water Rate Committee to send a list of questions to Dunn Engineering. The Commission agreed to have Mr. Goodwin forward the questions to Dunn Engineering.

Tony Redman, Director of Planning and Zoning, commented on the draft zoning ordinance. The Commission agreed that this matter would be taken up at 1:30 today.

**In re: PUBLIC COMMENT**

No public comment was given.

**In re: LEGISLATIVE ISSUES**

No legislative report was given.

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

No action was taken on this agenda item.

**In re: APPOINTMENTS OF ALTERNATE MEMBERS TO THE BOARD OF ZONING APPEALS**

No action was taken on this agenda item.

**In re: DISCUSSION ON STUDY OF OIL & GAS PURCHASES TO DETERMINE BEST POLICIES FOR FUTURE NEEDS**

The Commission agreed to schedule this item on next week's agenda.

**In re: MOVE THAT THE PSC BE REQUESTED TO CONDUCT A GENERAL INVESTIGATION OF THE FINANCIAL RELATIONSHIPS BETWEEN AND AMONG JEFFERSON UTILITIES, INC., SNYDER ENVIRONMENTAL SERVICES, AND OAK MEADOW, LLC**

Commissioner Manuel recused himself from this discussion.

Motion by Surkamp, second by Corliss that the PSC be requested to conduct a general investigation of the financial relationships between and among Jefferson Utilities, Inc., Snyder Environmental Services and Oak Meadow, LLC. The Commission agreed to receive an opinion from legal before voting on this motion.

**In re: CHARLES B. HOWARD, ESQ. - PETITION FOR CLOSING UNUSED ROADS, STREETS AND TRAVEL WAYS - BRUCE P. MOLER**

Charles B. Howard, Esq. appeared before the Commission to request an approval of a Petition for Closing Unused Roads, Streets and Travel Ways. The Petitioner, Bruce P. Moler, was also present. After discussion, the Commission agreed to put this matter back on the agenda next week in order to formally notify the adjacent property owners.

**In re: SHEPHERDSTOWN FIRE DEPARTMENT, INC. - REQUEST TO BEGIN BILLING FOR FIRE CALLS AND MOTOR VEHICLE ACCIDENTS**

Motion by Manuel, second by R. Morgan to approve the request from Shepherdstown Fire Department, Inc. to begin billing for fire calls and motor vehicle accidents. Motion carried.

**In re: DAVID KLOID - MTA AGREEMENT**

David Kloid, from the Maryland Transit Authority, appeared before the Commission to request approval of a Memorandum of Understanding with the Maryland Transit Authority for the Marc Train. Stephanie Grove, Assistant Prosecuting Attorney, was present and informed the Commission that she had reviewed the agreement and that it was acceptable. Sheriff Boober was also present and commented in support of the agreement. After discussion, motion by Manuel, second by R. Morgan to approve the Memorandum of Understanding with the Maryland Transit Authority. Motion carried.

**In re: LAND ACQUISITION**

The Commission discussed a possible land acquisition. The Commission agreed that any further discussion would be appropriate for Executive Session.

**In re: DISCUSSION ON PLACING THE ZONING AMENDMENT ON THE GENERAL ELECTION BALLOT (DM)**

The Commission discussed placing the zoning amendments on the General Election Ballot. No action was taken on this matter.

**In re: PSD LETTER TO PSC, REQUEST FOR CC SUPPORT**

After discussion and comments from Sue Lawton, from the Jefferson County Public Service District, motion by Manuel, second by Surkamp to send a letter to the Public Service Commission concerning matters pending before them from the Public Service District. Motion carried.

**In re: DISCUSS BEST MEANS TO ORGANIZE FESTIVITIES RE RIBBON CUTTING ON OLD JAIL RENOVATION**

The Commission discussed the organization of festivities for the ribbon cutting for the renovations done on the jail building. After discussion, the Commission agreed to advertise for volunteers to form a committee to organize the ribbon cutting festivities.

**The Commission took a 10 minute break at 10:45.**

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Ms. Maghan reported on the election. Ms. Maghan also informed the Commission that a public test of the election equipment was held on May 6, 2008.

**In re: COUNTY ADMINISTRATOR REPORTS**

The County Administrator informed the Commission that nothing further needed to be done concerning the vote to increase the Development Authority membership. The vote being recorded in the minutes was sufficient.

The County Administrator provided the Commission with the draft non-profit list for budget allocations.

The County Administrator reminded the Commission that the agenda would close at noon on Monday, May 12, 2008.

**In re: COUNTY COMMISSION REPORTS**

Commissioners F. Morgan and Surkamp reported on a Region 9 meeting in Berkeley Springs.

Commissioner Manuel reported on a subcommittee meeting of the Parks and Recreation Commission.

Commissioner F. Morgan reported on a Public Service District meeting.

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

Stephanie Grove, Assistant Prosecuting Attorney, appeared before the Commission to give the legal update and report. Ms. Grove provided the Commission with an outline of the process for the zoning and subdivision ordinance amendments.

**In re: MOVE THAT THE PSC BE REQUESTED TO CONDUCT A GENERAL INVESTIGATION OF THE FINANCIAL RELATIONSHIPS BETWEEN AND AMONG JEFFERSON UTILITIES, INC., SNYDER ENVIRONMENTAL SERVICES, AND OAK MEADOW, LLC - CONTINUED**

The Commission discussed this motion that was on the floor with Stephanie Grove, Assistant Prosecuting Attorney. After discussion, the motion was withdrawn.

**In re: LAND ACQUISITION - CONTINUED - EXECUTIVE SESSION**

Motion by R. Morgan, second by Manuel to enter into Executive Session to discuss pending advice from legal counsel regarding possible land acquisition. Motion passed by a 3-2 vote. Commissioner F. Morgan and Surkamp voted no. No action was taken during Executive Session.

**The Commission recessed until 1:30 p.m.**

**In re: -ZONING AND SUBDIVISION AMENDMENTS DISCUSSION**

**-APPROVAL OF DRAFT ZONING MAP TO BE REFERRED TO THE PLANNING COMMISSION FOR REVIEW**

**-APPROVAL OF DRAFT ZONING ORDINANCE TO BE REFERRED TO THE PLANNING COMMISSION FOR REVIEW**

**-APPROVAL OF DRAFT SUBDIVISION ORDINANCE TO BE REFERRED TO PLANNING COMMISSION FOR REVIEW**

Tony Redman, Director of Planning and Zoning, appeared before the Commission concerning the draft zoning and subdivision amendments. Tom Underwood, was present on behalf of the Bolivar Town Council, to request a two week delay on the zoning map. After discussion, motion by Manuel to grant the two week delay as requested by Bolivar. Motion failed due to a lack of a second.

Motion by Manuel to reconsider the action taken on the Mickey property on the draft zoning map. Motion failed due to a lack of a second.

Motion by R. Morgan, second by Corliss to approve the draft zoning map and forward the map to the Planning Commission for review. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

Mr. Redman presented the Commission with 4 amendments to the zoning text as discussed at Monday's work session. After discussion, motion by Corliss, second by R. Morgan to accept the 4 amendments for inclusion in the draft zoning ordinance. Motion carried.

Motion by Surkamp, second by F. Morgan to strike from section 4.304, part C. Comments were made on this motion by John Maxey and Susan Kennison. After further discussion the motion failed by a 1-4 vote. Commissioners Corliss, Manuel, F. Morgan and R. Morgan voted no.

Mr. Redman presented the Commission with an additional amendment to allow for a 25 year termination clause for property with a conservation easement or deed restriction. After discussion, motion by Corliss, second by Surkamp to approve the amendment for inclusion in the draft zoning amendments with the exception of sections A, B & C under section 12.706. Motion by Manuel, second by R. Morgan to postpone this motion until next week. Motion failed by a 1-4 vote. Commissioners Corliss, F. Morgan, R. Morgan and Surkamp voted no. The Commission then voted on the motion to include the amendment in the draft. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

Motion by R. Morgan, second by Corliss to increase the number of seats allowed in a restaurant in the village district to 50 seats. Motion carried.

Motion by Manuel to omit sections A, B, C & d under 1.308, to omit section c, under 2.422, and to omit the entire section 4.304. Motion failed due to a lack of a second.

Motion by Manuel to omit from 4.304 the language on page 99 concerning excavation and earth moving. Motion failed due to a lack of a second.

Motion by Manuel to omit from 8.205 sections A, B, C & D and leave only the first sentence. Motion failed due to a lack of a second.

Motion by R. Morgan, second by Corliss to direct staff to produce a black and white draft of the zoning ordinance amendments document and place the document on next week's agenda. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

**The Commission received the following information:**

Reminder Courthouse is Closed Tuesday, May 13, 2008 for Primary Election.

Reminder the Agenda will close at noon on Monday, May 12, 2008.

Appointment to be made to the Parks and Recreation Commission on Thursday, May 15, 2008.

Impact Fee Status Report received for April 2008.

Memorandums received from the Department of Capital Planning and Management concerning transfers of funds.

Memorandum received from Roger Goodwin concerning the Mountain Water Study.

Correspondence received from Senator Byrd concerning the Washington family homes.

Correspondence received from FEMA concerning flood elevation determinations.

Correspondence received from the Division of Culture and History concerning the Orndoff-Cross House.

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

Invitation to attend a Gang Summit on May 29, 2008 received from the United States Attorney's Office.

Jefferson County Jail progress meeting minutes received.

Correspondence received from the Division of Highways concerning Safe Routes to School Program Grants.

Information received from the Association of Counties concerning steering committee appointments for 2008.

Board meeting agenda received from the Public Service District.

Information received from the Association of Counties concerning redistricting.

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

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

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Frances B. Morgan, Commission President