

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, June 19, 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 Surkamp conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by R. Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, June 12, 2008, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by R. Morgan, second by F. Morgan to approve the following Purchase Orders for the Week of June 19, 2008, totaling \$26,932.93: 45728, 45802, 45808, 45809, 45810, 45811, 45812, 45868, 45955, 45721, 45921, 45922, 45009, 45561, 45720, 45722, 45723, 45724, 45687, 45917, 45851, 45852, 45853, 45725, 45726, 44525, 45686, and 45688. Motion carried.

The Commission also discussed payment on two invoices, one for Walmart and the other for attorney fees. Motion by Manuel, second by Corliss to hold the invoice in the amount of \$150 for attorney fees and submit the invoice to the Prosecuting Attorney's office for an opinion on payment of the invoice. Motion by Manuel, second by F. Morgan to hold this matter over for discussion during the legal report. Motion passed by a 3-2 vote. Commissioners Surkamp and Corliss voted no.

Motion by R. Morgan, second by Corliss to deny payment on the invoice from Walmart in the amount of \$35.75. Motion passed by a 3-2 vote. Commissioners F. Morgan and Surkamp voted no.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by F. Morgan to approve the list of the Accounts Payable dated June 19, 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
055995	425	ALLEGHENY POWER		\$0.00	\$438.99	\$438.99
055996	425	COMCAST		\$0.00	\$55.93	\$55.93
055997	424	USA MOBILITY WIRELESS,		\$0.00	\$199.99	\$199.99
055997	700	USA MOBILITY WIRELESS,		\$0.00	\$397.60	\$397.60
055997	712	USA MOBILITY WIRELESS,		\$0.00	\$420.94	\$420.94
055998	ALLOC	AHA/ART&HUMANITIES		\$0.00	\$2,139.48	\$2,139.48
055999	424	ICC	44958	\$88.50	\$0.00	\$88.50
056000	425	B-K OFFICE SUPPLY INC	45715	\$1,371.75	\$0.00	\$1,371.75
056000	451	B-K OFFICE SUPPLY INC	45679	\$3,243.82	\$0.00	\$3,243.82
056001	401	TESSA Y REED		\$0.00	\$67.82	\$67.82
056002	975	COMPLETE SYS SUPPORT	45865	\$7,392.00	\$0.00	\$7,392.00
056003	424	CHARLES TOWN WATER		\$0.00	\$61.27	\$61.27
056004	712	LYNN CARROLL		\$0.00	\$71.26	\$71.26
056005	712	VERIZON CABS		\$0.00	\$152.77	\$152.77

056006	425	DANKA OFFICE IMAGING	45543	\$5,029.61	\$0.00	\$5,029.61
056007	716	EASTPANHANDLE PRINT	45716	\$90.53	\$0.00	\$90.53
056008	975	ELECTION SYS & SOFT	45864	\$2,780.00	\$0.00	\$2,780.00
056009	424	J.C.EHRLICH		\$0.00	\$30.00	\$30.00
056009	425	J.C.EHRLICH		\$0.00	\$344.00	\$344.00
056010	440	ENGINEER SUPPLY	45682	\$327.72	\$0.00	\$327.72
056010	451	ENGINEER SUPPLY	45677	\$262.72	\$0.00	\$262.72
056011	424	FEDEX		\$0.00	\$237.31	\$237.31
056012	451	FRONTIER	45685	\$498.95	\$0.00	\$498.95
056012	424	FRONTIER		\$0.00	\$100.00	\$100.00
056013	701	GALLS INCORPORATED	45339	\$109.99	\$0.00	\$109.99
056013	701	GALLS INCORPORATED	45339	\$996.61	\$0.00	\$996.61
056013	716	GALLS INCORPORATED	45093	\$842.27	\$0.00	\$842.27
056014	415	GENERAL COUNTY FUND		\$0.00	\$21,279.75	\$21,279.75
056015	439	JAMES GIBSON		\$0.00	\$6,720.00	\$6,720.00
056016	440	ROGER GOODWIN		\$0.00	\$31.65	\$31.65
056017	412	GREAT AMERICA LEAS	45008	\$372.29	\$0.00	\$372.29
056017	412	GREAT AMERICA LEAS	45008	\$1,200.00	\$0.00	\$1,200.00
056017	412	GREAT AMERICA LEAS	45008	\$999.58	\$0.00	\$999.58
056017	989	GREAT AMERICA LEAS	45008	\$423.11	\$0.00	\$423.11
056018	712	INFORMATION SERVICES		\$0.00	\$26.19	\$26.19
056019	413	JEFF CO PUBLIC SER DEPT		\$0.00	\$27.19	\$27.19
056019	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$55.76	\$55.76
056020	716	JEFFERSON CO HEALTH	45089	\$625.00	\$0.00	\$625.00
056021	439	JEFFERSON PUBLISH CO	45678	\$167.18	\$0.00	\$167.18
056021	451	JEFFERSON PUBLISH CO	45667	\$110.35	\$0.00	\$110.35
056021	401	JEFFERSON PUBLISH CO		\$0.00	\$129.87	\$129.87
056022	413	THE JOURNAL	45867	\$10.05	\$0.00	\$10.05
056023	716	JEFF MEMORIAL HOSP	45718	\$250.00	\$0.00	\$250.00
056024	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00
056025	405	MATTHEW BENDER & CO	45274	\$207.80	\$0.00	\$207.80
056025	403	MATTHEW BENDER & CO		\$0.00	\$5.00	\$5.00
056026	412	JUDITH A MATLICK		\$0.00	\$118.53	\$118.53
056027	712	PRIORITY DISPATCH	45075	\$375.00	\$0.00	\$375.00
056028	425	HOME DEPOT CREDIT		\$0.00	\$712.17	\$712.17
056029	700	MCKINNEY'S AUTO	45717	\$33.83	\$0.00	\$33.83
056030	422	MANPOWER	44400	\$385.00	\$0.00	\$385.00
056031	712	NAT ACDMY O/EMER	45530	\$90.00	\$0.00	\$90.00
056032	ALLOC	JEFF CO PARKS & REC		\$0.00	\$10,671.78	\$10,671.78
056033	440	PRINT-O-STAT	45664	\$1,903.00	\$0.00	\$1,903.00
056033	440	PRINT-O-STAT	45683	\$1,509.49	\$0.00	\$1,509.49
056034	424	REESE'S NURSERY	45498	\$852.50	\$0.00	\$852.50
056035	700	ROCIC	45342	\$300.00	\$0.00	\$300.00
056036	403	SOFTWARE SYSTEMS	45803	\$2,565.90	\$0.00	\$2,565.90
056036	979	SOFTWARE SYSTEMS, INC	44533	\$2,123.62	\$0.00	\$2,123.62
056037	405	SPECIALTY BUS SUPPLIES	45850	\$485.49	\$0.00	\$485.49
056037	978	SPECIALTY BUS SUPPLIES	45850	\$545.00	\$0.00	\$545.00
056038	704	ST/WV REGIONAL JAIL &	45658	\$127,943.00	\$0.00	\$127,943.00
056039	403	WV ASSC OF CIRCUIT CLER	45806	\$675.00	\$0.00	\$675.00
056040	401	BRANDON C.H. SIMS		\$0.00	\$489.76	\$489.76

056041	402	HAMMER,FERRETTI,SCHIAV	45866	\$150.00	\$0.00	\$150.00
056042	701	JAMES C. TENNANT		\$0.00	\$196.29	\$196.29
056043	440	VICTOR & JUANITA UNRUH		\$0.00	\$350.00	\$350.00
056044	ALLOC	JEFF CO CONVENTION		\$0.00	\$12,811.26	\$12,811.26
056045	403	VITAL SIGNS	44911	\$400.00	\$0.00	\$400.00
056046	405	WEST PAYMENT CENTER	45273	\$619.00	\$0.00	\$619.00
056047	402	WALMART BUSINESS		\$0.00	\$35.75	\$35.75
056047	716	WALMART BUSINESS		\$0.00	\$33.94	\$33.94
056048	425	WV DIVISION OF LABOR	45714	\$50.00	\$0.00	\$50.00
056049	412	WORD PROCESSING SERV	45007	\$735.00	\$0.00	\$735.00
Total						\$228,552.91

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$687.45
402/CCLK	CO. CLERK	\$185.75
403/CIR CLK	CIRCUIT CLERK	\$3,645.90
404/TAX	TAX OFFICE	
405/PA	PROS ATTY	\$1,312.29
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$3,425.40
413/ELE	ELECTION	\$37.24
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	\$21,279.75
422/IMPACT	IMPACT FEE OPERATIONAL DEPT	\$385.00
424/CTHS	COURT HOUSE	\$1,569.57
425/OB	OTHER BUILDING	\$8,058.21
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	
439/PZ	PLANNING ZONING	\$6,887.18
440/ENG.	DEPT OF ENGINEERING	\$4,121.86
451/ZONING	ZONING DEPT	\$4,115.84
700/SHRF	SHERIFF DEPT	\$731.43
701/SHRF	SHERIFF DEPT	\$1,302.89
704/WV JAIL	ST/WV REGIONAL JAIL	\$127,943.00
711/OES	EMERG SVC	
712/911	911 COMMUNICATION	\$2,136.16
716/A/C	ANIMAL CONTROL	\$1,841.74
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	\$10,172.00
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	
978/CAP/PA	PROS ATTY/CAPITAL OUTLAY	\$545.00
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	\$2,123.62
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	
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	\$423.11
992/CAP/911	911 COMMUNICATION/CAP OUTLAY	
ALLOC	ALLOCATIONS	\$25,622.52
GRANTS	GRANTS	
PAYROLL	PAYROLL	
TOTALS		\$228,552.91

In re: BONDING AND ACTIVITY REPORT

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve the partial release of a letter of credit in the amount of \$180,348 for Bramble Croft, LLC D/B/A The Crofts at Shepherdstown with the County to retain \$56,000. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Manuel, second by R. Morgan to approve the partial release of a letter of credit in the amount of \$348,723 for the SPARC Training Center Campus with the County to retain \$231,141. Motion carried.

Mr. Goodwin discussed the Jefferson County Public Service District's input into the Mountain Water Study. Mr. Goodwin agreed to set up a workshop on the matter.

Tony Redman, Director of Planning and Zoning, informed the Commission that he would give his activity report during his appointment scheduled for later in the morning.

In re: PUBLIC COMMENT

No public comment was given.

In re: PETER APPIGNANI - JEFFERSON UTILITIES WATER RATE INCREASE DISCUSSION

Commissioner Manuel recused himself for this matter.

Peter Appignani appeared before the Commission to discuss Jefferson Utilities water rate increase. Mr. Appignani requested that the Commission become involved with the Public Service Commission's class cost of service study. The Commission agreed to discuss the matter during the legal report.

In re: TONY REDMAN - ACTIVITY REPORT & DEPARTMENTAL BUDGET REVISIONS FOR FY2009

Tony Redman, Director of Planning and Zoning, appeared before the Commission. Mr. Redman reported on the status of the draft zoning ordinance.

Mr. Redman discussed his budget revisions for his departments' budgets. Mr. Redman requested an executive session in order to further discuss his budget because of a personnel matter. The Commission agreed to take up the executive session later in the meeting.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on a special session of the legislature to add funds for education.

Commissioner F. Morgan inquired about mandatory water hook up legislation. Commissioner Manuel said he would look into the matter.

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: JEFF BRESEE - ANIMAL WELFARE SOCIETY

Jeff Bresee from the Animal Welfare Society appeared before the Commission to discuss Feline Infectious Peritonitis (FIP). No action was taken on this matter.

In re: JAIL OPENING CELEBRATION COMMITTEE APPOINTMENTS

Motion by Manuel, second by R. Morgan to appoint Bob O'Connor and Mrs. Marty Freeman to the Jail Opening Celebration Committee. Motion carried.

In re: HEALTH INSURANCE QUOTE ANALYSIS

The Commission agreed to hold this matter over in order to obtain an update from Assistant Prosecuting Attorney Brandy Sims on the status of refunds from Guardian.

In re: CAM TABB - UNDEVELOPED LOT APPRAISAL ON FARM USE PROPERTY WITH NO HOME SITE - EXONERATION REQUESTS

Cam Tabb appeared before the Commission to request exonerations on 4 properties for Lyle C. Tabb & Sons, Inc. Prosecuting Attorney Michael Thompson and Assessor Ginger Bordier were present and commented on the matter.

After discussion, motion by Corliss, second by Manuel to grant the exonerations as requested on Parcels # 07-140018 and # 07-110023 to correct an inadvertent error on the residential review document by removing the 1 acre residual. Motion passed by a 3-2 vote. Commissioners R. Morgan and F. Morgan voted no.

The Commission directed the County Administrator to prepare an order granting the exonerations.

Motion by F. Morgan, second by R. Morgan to deny any further exonerations presented by Mr. Tabb.

Motion by Manuel, second by R. Morgan to table the decision on the remaining parcels for 3 weeks. Motion passed by a 3-2 vote. Commissioners Surkamp and R. Morgan voted no.

In re: KAREN OLDEN - PROBATE MATTER - EXECUTIVE SESSION

Karen Olden, from the Probate Office, appeared before the Commission concerning a probate matter for the Estate of Annabel Ballenger. Sam Byrer, Attorney for the executor of the estate and Fiduciary Commissioner Carmela Cesare were present for the matter. Assistant Prosecuting Attorneys Stephanie Grove and James Casimiro were also present. After discussion, motion by F. Morgan, second by Corliss to enter into Executive Session due to the personal nature of the matter. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

Motion by Manuel, second by R. Morgan to return to Regular Session. Motion carried.

Motion by F. Morgan, second by R. Morgan, sitting in review of probate matters, adopt the recommended report of Fiduciary Commissioner Cesare in the Estate of Annabel Ballenger. Motion carried.

The Commission recessed until 1:30 p.m.

Commissioner R. Morgan was absent.

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

- **PROPOSAL OF PUBLIC FUNDS FOR JEFFERSON COUNTY RECEIVED FROM BCT**
- **PAYMENT IN LIEU OF TAXES (PILT) PROGRAM**

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Ms. Maghan reported on a proposal received from BCT concerning public funds and on the Payment in Lieu of Taxes program. Ms. Maghan also requested that the Commission revisit the matter of the refusal of payment for a Walmart invoice. Motion by Manuel, second by F. Morgan to reconsider the previous motion to deny payment on the invoice from Walmart. Motion passed by a 3-1 vote. Commissioner Corliss voted no. Motion by Surkamp, second by F. Morgan to approve the payment of the invoice from Walmart in the amount of \$35.75. Motion passed by a 3-1 vote. Commissioner Corliss voted no.

In re: PANTRAN FUNDING IN LIGHT OF GAS CRISIS

The Commission agreed to consider additional Pantran funding during their budget deliberations.

Commissioner R. Morgan arrived at 1:50 p.m.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney, appeared before the Commission for the legal update and report. The Commission discussed with Ms. Grove the request from Mr. Appignani that the Commission become involved in the Public Service Commission's class cost of service study. The Commission also discussed the invoice for payment for outside legal counsel. After discussion, motion by F. Morgan, second by Surkamp to approve the payment in the amount of \$150 for outside legal counsel. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

Commissioner F. Morgan left at 2:05 p.m.

Commissioner R. Morgan assumed presiding over the meeting.

In re: VLT NON-PROFIT BUDGET ALLOCATIONS FOR FISCAL YEAR 2009

The Commission agreed to hold this matter over until next week. The Commission also agreed to consider New Business #6 (Kiwanis Club - Request for Funding for Santa's Toy Shop) during this discussion next week.

In re: DISCUSS IMPLEMENTATION OF STAFF PERFORMANCE APPRAISALS/ EVALUATIONS

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

In re: MEETING SCHEDULE FOR JULY 3, 2008

Motion by Manuel, second by R. Morgan to cancel the County Commission meeting scheduled for July 3, 2008. Motion carried.

In re: DISCUSSION ON IMPLEMENTING A JEFFERSON COUNTY LONG RANGE ENERGY SAVINGS POLICY (GC)

The Commission discussed implementing a long range energy savings policy. The Commission agreed to have staff provide an outline of an energy savings study.

In re: AGENDA FOR COUNCIL OF GOVERNMENTS MEETING

The Commission agreed to advertise for the Council of Governments meeting and to have an open agenda.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

The Commission discussed the application received for appointment to the Building Commission. The Commission agreed to request a resume from the applicant.

Commissioner F. Morgan returned at 2:20 p.m and resumed presiding over the meeting.

In re: APPROVAL OF RECOMMENDATION TO GIVE FORESTRY 19 TO INDEPENDENT FIRE COMPANY

Motion by Corliss, second by Surkamp to approve the recommendation to give the Forestry 19 vehicle to Independent Fire Company. Motion carried.

In re: APPROVAL OF APPOINTMENT TO THE JEFFERSON COUNTY DEPUTY SHERIFF RESERVE - LARRY ALLEN HOUCK

Motion by Manuel, second by Corliss to approve the appointment of Larry Allen Houck to the Jefferson County Deputy Sheriff Reserve. Motion carried.

In re: APPROVAL OF GRANT RESOLUTION, AGREEMENT AND CONTRACT - COMMUNITY PARTICIPATION GRANT - ELMWOOD CEMETERY ASSOCIATION, INC.

Motion by R. Morgan, second by Surkamp to approve the grant resolution, agreement and contract for the Community Participation Grant for Elmwood Cemetery Association, Inc. Motion carried.

In re: APPROVAL OF GRANT RESOLUTION, AGREEMENT AND CONTRACT - COMMUNITY PARTICIPATION GRANT - JEFFERSON COUNTY BLACK HISTORY PRESERVATION SOCIETY

Motion by Surkamp, second by R. Morgan to approve the grant resolution, agreement and contract for the Community Participation Grant for the Jefferson County Black History Preservation Society. Motion carried.

In re: APPROVAL OF GRANT RESOLUTION, AGREEMENT AND CONTRACT - COMMUNITY PARTICIPATION GRANT - JEFFERSON COUNTY SHERIFF'S DEPARTMENT

Motion by Manuel, second by R. Morgan to approve the grant resolution, agreement and contract for the Community Participation Grant for the Jefferson County Sheriff's Department. Motion carried.

In re: INCIDENT REPORT FROM SSI AND STAFF RE TWO DAY SHUTDOWN OF COMPUTER NETWORK (JS)

The County Administrator reported to the Commission on the hardware failure that caused the computer system to be shut down. Ms. Smith reported that the hardware was special shipped and installed by staff upon it's arrival.

In re: BUILDING SPACE AT THE BARDANE CENTER FOR THE FREE CLINIC (RM)

The Commission discussed providing building space in Bardane for the Free Clinic. The Commission agreed to have legal staff look into the matter.

In re: COUNTY COMMISSION REPORTS

Commissioner Corliss reported on a Development Authority meeting.
Commissioner Manuel reported on the Homeland Security exercise.
Commissioner Manuel reported on a Parks and Recreation meeting.
Commissioner Surkamp reported on a Region 9 meeting.
Commissioner R. Morgan reported on a Rural Health Care meeting in Romney.

In re: TONY REDMAN - DEPARTMENTAL BUDGET REVISIONS FOR FY2009 (CONTINUED)

Tony Redman, Director of Planning and Zoning, appeared before the Commission to request an Executive Session with the Commission and 5 members of his staff. After discussion and comments from Stephanie Grove, motion by Surkamp, second by R. Morgan to enter into Executive Session to discuss personnel matters. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

Upon returning to Regular Session, motion by Corliss, second by R. Morgan to adjourn. Motion passed by a 3-2 vote. Commissioners F. Morgan and Surkamp voted no.

The Commission received the following information:

Reminder Courthouse is Closed on Friday, June 20, 2008 - West Virginia Day.

Reminder of Public Hearing on Proposed Amendments to Impact Fee Procedures Ordinance - Exemption From School Impact Fee For Age-Restricted Communities on Wednesday, June 25, 2008, at 7:00 p.m.

Acceptance of bond for Nuannit Vasuvat Subdivision in the amount of \$10,001.

Proposed departmental relocations and space allocations received from Kirk Davis.

Copy of a thank you letter sent to Bill Polk from Judy Matlick received concerning work completed at the Public Services Center.

Monthly activity report received from Animal Control.

E-911 fees received from ATT Comm-West Virginia, Inc. and CTC of West Virginia.

Meeting minutes received from Harpers Ferry/Bolivar Public Service District.

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

Notice received of a special meeting of the Jefferson County Public Service District on Thursday, June 19, 2008, at 1:00 p.m.

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

PRESIDENT