

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, January 18, 2007 beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE
Commissioner Corliss 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, January 4, 2007 and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by R. Morgan to approve the following Purchase Orders for the Week of January 18, 2007, totaling \$156,921.02: 42923, 43465, 43466, 43026, 43027, 43028, 43030, 43034, 43605, 43606, 43405, 43332, 43352, 42500, 43455, 43456, 43458, 43459, 43460, 43462, 43469, 43506, 42237, 43223, 43225, 43227, 43228, 43229, 43099, 43512, 43513, 43514, 43515, 43516, 43517, 43464, 43467, 43468 and 43544. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE - JANUARY 11, 2007

Motion by Manuel, second by Corliss to approve the Accounts Payable dated January 11, 2007 and January 18, 2007 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

JANUARY 11, 2007 Accounts Payable:

Check #	Dept	Vendor Name	PO #	Amt W/PO	W/O PO	Amount
51343	401	ANIMAL WELFARE SOCIETY JEFF CO			\$5,000.00	\$5,000.00
51344	412	ATT& T			\$0.44	\$0.44
51345	712	ARCH WIRELESS	41997	\$362.10		\$362.10
51345	700	ARCH WIRELESS	42918	\$327.03		\$327.03
51345	425	ARCH WIRELESS	42917	\$178.54		\$178.54
51346	PAYROLL	BUREAU FOR CHILD SUPPORT			\$72.00	\$72.00
51347	425	B-K	43449	\$120.00		\$120.00
51348	439	B&B EMBROIDERY	43216	\$355.00		\$355.00
51349	PAYROLL	BUREAU/CHILD SUPPORT			\$62.31	\$62.31
51350	425	C.T. LOCK & KEY	43447	\$291.20		\$291.20
51351	424	C.T. WATER DEPT			\$100.32	\$100.32
51351	425	C.T. WATER DEPT			\$966.99	\$966.99
51352	401	LOUIS R. CRADDOCK			\$264.56	\$264.56
51353	PAYROLL	CHILD SUPPORT ENFORCE			\$23.07	\$23.07
51354	425	CATROW CONSTRUCTION			\$4,546.00	\$4,546.00
51355	425	DAYCON	43448	\$554.19		\$554.19
51356	700	DAVIS & STANTON	43280	\$160.50		\$160.50
51357	404	EASTERN PANHANDLE PRINT& COPY	42853	\$161.00		\$161.00
51358	OTHER	EQUITABLE			\$15.00	\$15.00
51359	712	EARTHLINK			\$21.95	\$21.95
51360	O10	FOCUS			\$1,565.99	\$1,565.99
51361	402	FIFTH THIRD BANK			\$29.95	\$29.95
51361	439	FIFTH THIRD BANK			\$157.37	\$157.37
51361	711	FIFTH THIRD BANK			\$395.66	\$395.66
51361	711	FIFTH THIRD BANK			\$76.35	\$76.35
51361	712	FIFTH THIRD BANK			\$61.77	\$61.77
51361	712	FIFTH THIRD BANK			\$68.26	\$68.26
51362	700	GALLS	43545	\$1,027.93		\$1,027.93
51363	425	GRAINGER	43445	\$113.85		\$113.85
51364	700	GW MEDICAL PUBLISHING	43276	\$101.90		\$101.90
51365	716	HILLSIDE VETERINARY	43507	\$156.00		\$156.00
51366	425	DOUGLAS HAEFNER			\$1,000.00	\$1,000.00
51367	700	INTERNATIONAL POLYGRAGH	43543	\$900.00		\$900.00
51368	401	IKON			\$775.88	\$775.88
51369	OTHER	ING			\$175.00	\$175.00
51370	700	JEFF CO DEPUTY SHERIFF ASSOC			\$349.67	\$349.67
51370	700	JEFF CO DEPUTY SHERIFF ASSOC			\$147.60	\$147.60
51370	700	JEFF CO DEPUTY SHERIFF ASSOC			\$83.50	\$83.50
51371	401	JOURNAL			\$94.05	\$94.05
51372	O10	JEFF CO. SOLID WASTE AUTHORITY			\$4,195.00	\$4,195.00
51373	413	JEFFERSON CO. SCHOOL	43398	\$625.00		\$625.00
51374	OTHER	JEFFERSON SECURITY BANK			\$4,729.00	\$4,729.00
51375	979	KNOLL	43186	\$898.20		\$898.20
51376	439	SHERRY KELLY	43224	\$425.00		\$425.00
51377	439	KENDING KEAST			\$11,480.70	\$11,480.70
51378	700	LAW ENFORCEMENT SYSTEMS	43279	\$261.00		\$261.00

51379	700	MIDWEST RADAR & EQUIP	43274	\$315.00		\$315.00
51380	712	MSAG			\$544.00	\$544.00
51381	All Depts	COMPROLLER MD			\$801.57	\$801.57
51382	700	MCKINNEY'S AUTO REPAIR	43450	\$326.42		\$326.42
51383	405	NATIONAL LEGAL RESEARCH GROUP	43100	\$582.18		\$582.18
51384	All Depts	NATIONWIDE RETIREMENT			\$788.21	\$788.21
51385	402	PIFER	43399	\$151.95		\$151.95
51386	439	TRACY P. RICE	43221	\$912.45		\$912.45
51387	980	SOFTWARE SYSTEMS	43541	\$1,030.00		\$1,030.00
51387	712	SOFTWARE SYSTEMS	43351	\$1,304.60		\$1,304.60
51387	404	SOFTWARE SYSTEMS			\$113.00	\$113.00
51387	404	SOFTWARE SYSTEMS			\$410.00	\$410.00
51387	402	SOFTWARE SYSTEMS			\$374.00	\$374.00
51387	404	SOFTWARE SYSTEMS			\$318.00	\$318.00
51387	403	SOFTWARE SYSTEMS			\$425.00	\$425.00
51387	403	SOFTWARE SYSTEMS			\$50.00	\$50.00
51387	402	SOFTWARE SYSTEMS			\$676.00	\$676.00
51387	428	SOFTWARE SYSTEMS			\$28.00	\$28.00
51387	404	SOFTWARE SYSTEMS			\$71.00	\$71.00
51387	711	SOFTWARE SYSTEMS			\$29.43	\$29.43
51387	982	SOFTWARE SYSTEMS			\$10,400.88	\$10,400.88
51388	700	SUPERIOR AUTOBODY	43453	\$396.80		\$396.80
51389	All Depts	SHERIFF OF JEFFERSON CO			\$30,782.56	\$30,782.56
51389	All Depts	SHERIFF OF JEFFERSON CO			\$39.68	\$39.68
51389	All Depts	SHERIFF OF JEFFERSON CO			\$7,199.26	\$7,199.26
51389	All Depts	SHERIFF OF JEFFERSON CO			\$9.28	\$9.28
51390	All Depts	SHERIFF OF JEFFERSON CO			\$26,599.56	\$26,599.56
51390	All Depts	SHERIFF OF JEFFERSON CO			\$1.23	\$1.23
51391	430	STAPLES			\$129.98	\$129.98
51391	430	STAPLES			\$158.23	\$158.23
51391	401	STAPLES			\$38.15	\$38.15
51391	402	STAPLES			\$79.96	\$79.96
51391	405	STAPLES			\$240.83	\$240.83
51391	700	STAPLES			\$829.13	\$829.13
51391	711	STAPLES			\$561.43	\$561.43
51391	712	STAPLES			\$808.40	\$808.40
51391	716	STAPLES			\$21.52	\$21.52
51391	960	STAPLES	40707	\$350.92		\$350.92
51392	700	STEWARTS MEN'S WEAR	43273	\$385.60		\$385.60
51393	711	U.S. CELLULAR			\$146.59	\$146.59
51393	439	U.S. CELLULAR		\$135.99		\$135.99
51394	982	UNITED SYSTEM & SOFTWARE			\$321.00	\$321.00
51395	424	UPS			\$17.63	\$17.63
51396	425	VALLEY HARDWARE	43502	\$38.97		\$38.97
51397	OTHER	VALIC			\$100.00	\$100.00
51398	700	VA 2-WAY	43542	\$1,717.80		\$1,717.80
51399	405	WEST PAYMENT CENTER	43511	\$1,814.60		\$1,814.60
51400	700	W.V UNIFORMS	43277	\$803.35		\$803.35
51401	401	WINCHESTER STAR			\$388.00	\$388.00
Totals				\$17,285.07	\$119,959.90	\$137,244.97

DEPT	NAME	DEPT AMOUNTS
010/GRANT	GRANTS	\$5,760.99
401/COM	CO. COMMISSION	\$6,560.64
402/CCLK	CO. CLERK	\$1,311.86
403/CIR CLK	CIRCUIT CLERK	\$475.00
404/TAX	TAX OFFICE	\$1,073.00
405/PA	PROS ATTY	\$2,637.61
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$0.44

413/ELE	ELECTION	\$625.00
415/	GENERAL SCHOOL/CO TRANSFER	
418/STK	STOCK ROOM	
424/CTHS	COURT HOUSE	\$117.95
425/OB	OTHER BUILDING	\$7,809.74
428/DATAP	DATA PROCESSING	\$28.00
430/HLS	HOMELAND SEC	\$288.21
439/PZ	PLANNING ZONING	\$13,466.51
700/SHRF	SHERIFF DEPT	\$8,133.23
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$1,209.46
712/911	911 COMMUNICATION	\$3,171.08
716/A/C	ANIMAL CONTROL	\$177.52
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
960/IMPACT	IMPACT FEES	\$350.92
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	\$898.20
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	\$1,030.00
982/DATA	DATA PROCESSING - IMAGING	\$10,721.88
998/PRK/RC	PARKS & REC COMMUNITY CENTER	
ALL DEPTS	ALL DEPTS	\$65,433.14
INVEST	INVESTMENTS	\$5,807.21
PAYROLL	PAYROLL	\$157.38
TOTALS		\$137,244.97

JANUARY 18, 2007 Accounts Payable:

Check #	Dept	Vendor Name	PO #	Amt W/PO	Amt w/o PO	Amount
51404	716	APPLE TREE ANIMAL CLINIC	43457	\$23.00		\$23.00
51405	412	AT& T			\$0.13	\$0.13
51406	425	AUTO ZONE			\$23.98	\$23.98
51407	425	ALARM DETECTION SYSTEMS	43463	\$75.00		\$75.00
51408	431	BARDANE PUBLIC HLTH CNTR			\$308.33	\$308.33
51408	412	BARDANE PUBLIC HLTH CNTR			\$383.00	\$383.00
51409	ALLOC	BOLIVAR/HARPER FERRY PUBLIC			\$8,500.00	\$8,500.00
51410	711	AMERIGAS			\$226.31	\$226.31
51411	401	TESSA REED			\$12.61	\$12.61
51412	All Depts	VA DEPT TAXATION			\$266.63	\$266.63
51413	425	C.T. LOCK & KEY	43454	\$22.50		\$22.50
51414	402	CLERK OF CO. COMMISSION	43400	\$40.60		\$40.60
51415	ALLOC	OLD CHARLES TOWN LIBRARY			\$11,250.00	\$11,250.00
51416	425	DEHAVEN 7-UP CORP			\$16.00	\$16.00
51417	425	EHRlich			\$35.00	\$35.00
51418	403	SHANYA MASON	43032	\$22.25		\$22.25
51419	712	FRONTIER			\$3,906.27	\$3,906.27
51419	412	FRONTIER			\$360.72	\$360.72
51419	415	FRONTIER			\$330.43	\$330.43
51419	424	FRONTIER			\$12,681.80	\$12,681.80
51420	All Depts	GUARDIAN			\$102,529.44	\$102,529.44
51420	All Depts	GUARDIAN			\$6,296.79	\$6,296.79
51421	424	HASLER	42643	\$180.00		\$180.00
51422	425	JEFF CO PUBLIC SER DISTRICT			\$27.09	\$27.09
51423	401	JEFF. PUBLISHING CO			\$221.02	\$221.02
51424	425	JEFF. UTILITIES			\$45.00	\$45.00
51425	712	LANGUAGE LINE SERVICES			\$295.34	\$295.34
51426	All Depts	COMPTRROLLER MD			\$1,603.14	\$1,603.14
51427	425	HOME DEPOT			\$602.90	\$602.90
51428	424	MCI			\$1,103.33	\$1,103.33
51429	425	NICE			\$6,200.00	\$6,200.00
51430	ALLOC	JEFF CO PARK & REC			\$24,579.45	\$24,579.45

51431	418	PIFER	43504	\$15.76		\$15.76
51431	403	PIFER	43025	\$24.40		\$24.40
51432	424	ROACH			\$551.24	\$551.24
51432	425	ROACH			\$485.65	\$485.65
51433	ALLOC	SHEPHERDSTOWN PUBLIC LIBRARY			\$8,500.00	\$8,500.00
51434	All Depts	WV STATE DEPT TAX/REVENUE			\$20,863.72	\$20,863.72
51435	ALLOC	S. JEFF./SUMMIT POINT LIBRARY			\$8,500.00	\$8,500.00
51436	406	SHEETZ			\$133.24	\$133.24
51436	424	SHEETZ			\$747.06	\$747.06
51436	430	SHEETZ			\$61.26	\$61.26
51436	439	SHEETZ			\$475.50	\$475.50
51436	700	SHEETZ			\$5,247.77	\$5,247.77
51436	711	SHEETZ			\$188.65	\$188.65
51436	716	SHEETZ			\$534.92	\$534.92
51436	712	SHEETZ			\$328.40	\$328.40
51437	425	SHENANDOAH VALLEY WATER CO			\$529.07	\$529.07
51438	418	SHANNON BUSINESS SYSTEMS	42765	\$78.76		\$78.76
51439	711	US CELLULAR			\$130.65	\$130.65
51440	425	VALLEY 2-WAY	43461	\$45.00		\$45.00
51441	ALLOC	JEFF CO CONVENTION			\$24,579.45	\$24,579.45
51442	424	WV PEIA			\$7,389.00	\$7,389.00
51443	716	WAL-MART			\$11.94	\$11.94
51444	424	WV BUREAU OF EMPLOYMENT			\$783.81	\$783.81
TOTALS				\$527.27	\$261,846.04	\$262,373.31

DEPT	NAME	DEPT AMTS
010/GRANT	GRANTS	
401/COM	CO. COMMISSION	\$233.63
402/CCLK	CO. CLERK	\$40.60
403/CIR CLK	CIRCUIT CLERK	\$46.65
404/TAX	TAX OFFICE	
405/PA	PROS ATTY	
406/ASSR	ASSESSORS	\$133.24
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$743.85
413/ELE	ELECTION	
415/MAG CT	MAGISTRATE COURT	\$330.43
415/	GENERAL SCHOOL/CO TRANSFER	
418/STK	STOCK ROOM	\$94.52
424/CTHS	COURT HOUSE	\$23,436.24
425/OB	OTHER BUILDING	\$8,107.19
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	\$61.26
431/ECON DEV	ECON DEV	\$308.33
439/PZ	PLANNING ZONING	\$475.50
700/SHRF	SHERIFF DEPT	\$5,247.77
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$545.61
712/911	911 COMMUNICATION	\$4,530.01
716/A/C	ANIMAL CONTROL	\$569.86
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
960/IMPACT	IMPACT FEES	
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	
982/DATA	DATA PROCESSING - IMAGING	
998/PRK/RC	PARKS & REC COMMUNITY CENTER	
ALLOC	ALLOCATIONS	\$85,908.90
ALL DEPTS	ALL DEPTS	\$131,559.72
INVEST	INVESTMENTS	
PAYROLL	PAYROLL	
TOTALS		\$262,373.31

In re: PARTIAL BOND RELEASE - THE PRESERVE AT BARLEYWOOD, LLC

Upon recommendation from the Executive Director of Planning, Zoning and Engineering, motion by F. Morgan, second by R. Morgan to approve the partial release of a letter of credit for The Preserve At Barleywood, LLC in the amount of \$378,964.00 with the County to retain \$672,239.00. Motion carried.

In re: PAUL RACO - ACTIVITY REPORT

Paul Raco, Planning, Zoning and Engineering Executive Director reported on the Planning Commission meeting scheduled for January 23, 2007.

Mr. Raco reported that the bond for Mission Ridge Subdivision was in compliance.

In re: DPZ&E RESPONSE TO CITIZEN INQUIRY CONCERNING DEVELOPMENT ISSUES RECEIVED BY COMMISSIONER F. MORGAN

Commissioner F. Morgan inquired on the development issues for Spruce Hill that she had received from a citizen regarding storm water management. Mr. Raco reported that the matter is under review and research is being conducted at this time.

In re: PUBLIC COMMENT

Amelia Brock appeared before the Commission to discuss economic growth of Jefferson County.

Dick Latterall appeared before the Commission to discuss future annexations of the City of Charles Town and requests that the County Commission use their powers to take the County out of the bottom and bring the County to the top.

Daniel Lutz appeared before the Commission to discuss the Development Authority and reported that he has asked the Development Authority staff for an activity report and has not heard back from them. He said that the public should know what is going on and he requests that when information is asked for he should be able to receive it.

In re: JEREMY CAMP - CHARLES TOWN DIRECTOR OF COMMUNITY DEVELOPMENT - CHARLES TOWN ZONING ORDINANCE INITIATIVE AND JOINT PLANNING

Jeremy Camp, Charles Town Director of Community Development appeared before the Commission to address the County Commission on their January 4th discussion on the City's Zoning Ordinance rewrite and Joint Planning.

In re: LONG TERM DISABILITY INSURANCE

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

In re: APPOINTMENT OF ALTERNATE TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

In re: APPOINTMENT TO THE HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT

No action was taken on this agenda item.

In re: APPOINTMENT TO THE JEFFERSON COUNTY BUILDING COMMISSION

No action was taken on this agenda item.

In re: SHEILA BIRNBACH - MANAGEMENT CONSULTANT PRESENTATION

Sheila Birnbach appeared before the Commission to discuss her recommendations performed under her contract with the Commission from January 2, 2006 until December 31, 2006 for the Management Consultant.

Motion by F. Morgan, second by Manuel to enter into Executive Session to discuss Personnel Matters. Motion carried.

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

Motion by Manuel, second by Corliss to defer the presentation of the recommendations from Sheila Birnbach until after Legal Counsel reviews the Management Study. Motion carried.

In re: PAUL BURKE - PRESIDENT, JEFFERSON COUNTY PLANNING COMMISSION - REPORT ON HIRING ADDITIONAL PLANNER

Paul Burke, President, Jefferson County Planning Commission appeared before the Commission to respond to the County Commission's motion from January 4, 2007 regarding how and when an additional planner will be hired. Mr. Burke updated the Commissioners on the Long Range Planner and the new recruitment committee which consists of Commissioner Surkamp, John Sidor and Ellen May. Motion by Manuel, second by Corliss to add Commissioners Manuel and Corliss to the committee. Motion passed by a 4-1 vote. Commissioner R. Morgan voted no.

Motion by R. Morgan, second by Surkamp to increase the salary for the Long Range Planner from \$55,000 to \$85,000 and to re-advertise the job for the Long Range Planner. Motion by Manuel, second by Corliss to table this matter for 1 week and to look at other salaries. Motion carried by a 3-2 vote. Commissioners R. Morgan and Surkamp voted no.

In re: A.L. CATES, SOUTH JEFFERSON RURITAN CLUB PROPOSED MIDDLEWAY FIRE DEPARTMENT

A.L. Cates, Chairman South Jefferson Ruritan Club appeared before the Commission to present a proposal for constructing a Fire Station/Emergency Medical Services Facility in Middleway consisting of 14 acres owned by the Ruritan Club. The Club has no plans to be a certified fire company, so the Independent Fire Company, the Citizens Fire Company and the EMS company have been contacted regarding the project and all have confirmed the need for the project and have given their support. The Club is asking the Commission's consideration for waiver of all County project related fees.

No action was taken on this agenda item.

In re: LEGISLATIVE ISSUES

Commissioner Manuel reported on the following legislative issues:

- Teacher salaries
- DOH funding - possible County and Municipal Bonds
- Bill regarding prohibit the discrimination of manufactured homes by ordinance
- Annexation
- Pay raise for State Legislators

Motion by F. Morgan, second by Manuel to have the County Administrator set up a special meeting with the Legislators and to hold the Special Session on an upcoming weekend. Motion carried.

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

Jennifer S. Maghan, County Clerk appeared before the Commission to report on the Election Procedural Audit and that the Audit will be completed sometime in February.

In re: QUARTERLY FIDUCIARY REVIEW

Jennifer S. Maghan, County Clerk presented the Fiduciary Accounts for review of the Commission. The time of the Commission was taken up this day with examination of sundry fiduciary accounts. Motion by Manuel, second by R. Morgan to accept all fiduciary accounts presented. Motion carried.

In re: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION AND DIRECTION

Leslie D. Smith, County Administrator reported that Kendig Keast would visit Jefferson County on January 29 and 30, 2007. The Commission agreed to conduct a public hearing on January 29, 2007 at 7:00 p.m. in the interest of receiving public input on the revisions to the draft Subdivision and Zoning Ordinance rewrite.

The Commission took a five minute break at 11:25 am.

In re: JAMES CASIMIRO - LEGAL UPDATE AND REPORT

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission for a legal update and report. Mr. Casimiro reported on the Motion filed for a Protective Order to prohibit the taking of depositions in the Todd Baldau Planning Commission Removal Case.

In re: RFP FOR ONETIME SPECIALIZED LEGAL ASSISTANCE IN NEGOTIATING CABLE FRANCHISE AGREEMENT WITH COMCAST - RECEIVE REFERENCES FROM PA OFFICE AS TO WV ATTORNEYS SPECIALIZING IN TELECOMMUNICATIONS MATTERS FOR POSSIBLE ENGAGEMENT RELATIVE TO RENEGOTIATION OF CABLE FRANCHISE AGREEMENT

James Casimiro, Assistant Prosecuting Attorney reported on Old Business Agenda items number 7 and 8 regarding legal assistance in negotiating the cable franchise agreement with Comcast. Mr. Casimiro recommends Karen Jenkins, Attorney from Charleston.

Motion by Manuel, second by R. Morgan to authorize the staff to negotiate an agreement with Karen Jenkins for the cable franchise agreement with Comcast. Motion carried.

In re: DISCUSS AND TAKE ACTION ON LIFTING/REMOVING THE OLD JAIL INJUNCTION - JAIL RENOVATION BID OPENING WAS JAN. 17TH; HEARING ON LIFTING OF INJUNCTION NOW SET FOR JAN. 22ND; PENDING SHPO LETTER; FEDERAL FUNDING; MR. WHIPPLE INVITED TO APPEAR BEFORE THE COMMISSION; SHOULD AN ADDITIONAL PUBLIC MEETING BE SCHEDULED FOR ARCHITECT MATTHEW GROVE TO EXPLAIN PLANNED RENOVATIONS AND USES OF SPACE?

James Casimiro, Assistant Prosecuting Attorney was present for Old Business Agenda items number 14 and 15 to discuss the Old Jail Injunction.

In re: JIM WHIPPLE - COUNTY JAIL BUILDING

Jim Whipple appeared before the Commission to discuss the County Jail Building. Mr. Whipple read a letter written by Carol Gallant in her absence. Mr. Whipple also made comments regarding the Old County Jail Building. After discussion, motion by R. Morgan, second by Manuel to set up a meeting with the Architect, Matthew Grove and advertise the meeting and invite JCPASH to see what is being planned for the Jail. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

In re: EXECUTIVE SESSION - OLD JAIL LITIGATION

Motion by Corliss, second by Manuel to enter Executive Session to discuss Old Jail Litigation. Motion carried.

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

The Commission took a lunch break and will return at 1:00 pm.

In re: DISCUSS RETENTION OF OUTSIDE CIVIL COUNSEL FROM TIME TO TIME AS NEED ARISES AND IN LIEU OF BURDENING THE PROSECUTING ATTORNEY'S OFFICE. ADVERTISE AND CONSIDER PROPOSALS - DISCUSS THE NEED FOR A LAWYER TO SERVICE THE COUNTY COMMISSION, EXCLUSIVELY. DEVELOP JOB DESCRIPTION. MOTION TO PROCEED - INDEPENDENT LEGAL SUPPORT FOR THE COUNTY COMMISSION - DISCUSS GENERAL COUNSEL CONCEPT; LEGAL ANALYSIS AND POLICY GUIDANCE; COORDINATION WITH PA OFFICE. ADVERTISE AND CONSIDER PROPOSALS. (BROUGHT FORWARD FROM JAN. 4TH AGENDA)

Old Business Agenda items number 9, 12, 13 and 14 were combined and discussed. Motion by F. Morgan, second by R. Morgan to send out a letter of inquiry to the local papers and advertise for retention of outside Civil Counsel from time to time as need arises and ask for proposals of interest including fees.

Motion by Manuel, second by R. Morgan to table this matter for two weeks in order the Commission could do further review and talk to Mike Thompson. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

In re: REQUEST FOR PAUL RACO FOR A WRITTEN REPORT (TO BE DELIVERED TO THE COUNTY COMMISSION ON JAN. 18TH, 2007) ON CURRENT LAND USE & DEVELOPMENT IN THAT PART OF JEFFERSON COUNTY LYING EAST OF THE SHENANDOAH RIVER, INCLUDING THE TOTAL NUMBER OF PLATTED LOTS, NUMBER OF DWELLING UNITS AND NUMBER OF BUILDING PERMITS ISSUED IN 2005 AND 2006 - RECEIPT OF WRITTEN REPORT BY DIRECTOR OF DPZ&E ON CURRENT LAND USE & DEVELOPMENT IN THAT PART OF JEFFERSON COUNTY LYING EAST OF THE SHENANDOAH RIVER, INCLUDING THE TOTAL NUMBER OF PLATTED LOTS, NUMBER OF DWELLING UNITS AND NUMBER OF BUILDING PERMITS ISSUED IN 2005 AND 2006

Old Business Agenda items number 10 and 11 were combined and discussed. Paul Raco, Director of Planning, Zoning and Engineering appeared before the Commission to report on the request from the Commission for a written report regarding platted lots, number of dwelling units and number of building permits issued in 2005 and 2006 for the parts of Jefferson County lying east of the Shenandoah River. Mr. Raco also passed out Annual Reports from 1968 thru 2003.

In re: EXECUTIVE SESSION TO DISCUSS THE POSSIBLE PURCHASE OF PROPERTY AND ASSOCIATED LEGAL AND CONTRACTUAL MATTERS

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

In re: JEFFERSON COUNTY OFFICE OF HOMELAND SECURITY - STEERING COMMITTEE APPOINTMENTS

Upon recommendation of the Jefferson County Office of Homeland Security Steering Committee, motion by Manuel, second by F. Morgan to appoint Kelly Parsons and Dave Barriball to the Jefferson County Office of Homeland Security Steering Committee. Motion carried.

In re: RECOMMENDATION TO PERFORM BACKGROUND CHECKS ON THE COMMUNITY EMERGENCY RESPONSE VOLUNTEERS

Upon recommendation from Barbara Miller, Jefferson County Office of Homeland Security Coordinator, the Commission agreed to look into this matter and would like to ask the Prosecuting Attorney's Office to review this request and give their legal opinion.

In re: IMPACT FEE COORDINATOR - REQUEST FOR WORKSHOP FOR JEFFERSON COUNTY CAPITAL IMPROVEMENT PLAN DISCUSSION

The Commission agreed to have the County Administrator set up a workshop with Mark Schiavone, Impact Fee Coordinator to discuss the Capital Improvement Plan.

In re: WEST VIRGINIA POTOMAC TRIBUTARY STRATEGY IMPLEMENTATION COMMITTEE - REQUEST FOR MEETING

The Commission agreed to have the County Administrator set up an appointment with Alana Hartman to discuss the West Virginia Potomac Tributary Strategy Implementation with Commissioners Surkamp and R. Morgan.

In re: JEFFERSON COUNTY PLANNING COMMISSION - REQUEST FOR HUMAN RESOURCES DIRECTOR

The Commission agreed to review this matter during their budget deliberations.

In re: REQUEST FOR APPROVAL - WEST VIRGINIA CITIZEN CORPS COUNCIL DEVELOPMENT AWARDS INFORMATION AND APPLICATION

Motion by Manuel, second by R. Morgan to authorize the President of the Commission to affix her signature to the grant application for the West Virginia Citizen Corps Council Development Grant Application. Motion carried.

In re: JEFFERSON COUNTY CITIZENS FOR ECONOMIC PRESERVATION - REQUEST FOR CONTINUED INCLUSION IN THE ORDINANCE REWRITE PROCESS

The Commission agreed to include the Jefferson County Citizens for Economic Preservation in the ordinance rewrite with Kendig Keast at their next visit on January 29 and 30, 2007.

In re: VIRTUAL COURTHOUSE TRIAL OFFER

Motion by Manuel, second by Corliss to send a formal recommendation to the Clerk that her office take advantage of the trial offer on installing the virtual courthouse and solicit the public's comments on the program after its installation. Motion failed by a 2-3 vote. Commissioners R. Morgan, F. Morgan and Surkamp voted no.

In re: WORKSHOP POLICY - MOTION THAT ALL COUNTY COMMISSION MEETINGS INCLUDING WORKSHOPS BE HELD AT LOCATIONS THAT ARE ACCESSIBLE TO THE DISABLED. FURTHER, THAT TIME FOR PUBLIC COMMENT IS PROVIDED AT COUNTY COMMISSION WORKSHOPS IN THE SAME MANNER AS FORMAL MEETINGS

Motion by Manuel, second by R. Morgan that all County Commission meetings including workshops be held at locations that are accessible to the disabled. Motion carried.

Motion by Manuel, second by Surkamp to provide public comment at County Commission workshops. Amended motion by Manuel, second by Surkamp to provide public comment at County Commission workshops at the close of the meeting. Amended motion carried.

In re: BUDGET DELIBERATIONS - MOTION THAT ALL BUDGET DELIBERATIONS BE HELD IN OPEN NOTICED COUNTY COMMISSION MEETINGS AND NOT IN A WORKSHOP SETTING. FURTHER, THAT A MINIMUM OF ONE PUBLIC HEARING ON THE BUDGET BE HELD

Motion by Manuel, second by R. Morgan that all budget deliberations be held in open noticed County Commission meetings and to include public comment at the end. Amended motion by Surkamp, second by Manuel that all budget deliberations be held in open noticed County Commission meetings and to include public comment at the end and to have at least one public hearing. Motion failed by a 2-3 vote. Commissioners R. Morgan, F. Morgan and Corliss voted no.

Motion by Manuel, second by Surkamp that one public hearing on the budget be held. Motion carried.

In re: NIGHT MEETINGS - MOTION THAT THE COUNTY COMMISSION MEETING SCHEDULED FOR THE FOURTH WEEK OF EVERY MONTH BE HELD AT 7:30 P.M. TO PROMOTE PUBLIC PARTICIPATION IN THE PROCESS

Commissioner Manuel discussed that the County Commission meeting schedule for the fourth week of every month be held at 7:30 p.m. to promote public participation in the process. The Commission agreed to schedule night meetings only as needed.

In re: PROPERTY SAFETY ORDINANCE AMENDMENTS

Paul Raco, Executive Director of Planning, Zoning and Engineering appeared before the Commission to request an amendment to the Jefferson County Property Safety Ordinance to allow meetings quarterly. Fred Blackmer, President of the Jefferson County Property Safety Enforcement Agency and Roger Goodwin, Chief County Engineer were present and recommended the amendment. Motion by Surkamp, second by Manuel to send the amendment to the Prosecuting Attorney's Office for review and comment. Motion carried.

In re: BURCH MANOR SUBDIVISION - DPZE FILE #02-12

Robert Burch appeared before the Commission to inform the Commission that he is going to forfeit his bond for the Burch Manor Subdivision - DPZE File #02-12.

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission and informed the Commission that the Commission could call the bond.

Motion by Manuel, second by Surkamp to declare the bond for the Burch Manor Subdivision - DPZE File #02-12 in default and to call in the bond. Motion carried.

In re: FAMILY INSURANCE PLAN - INCREASING THE AMOUNT PAID BY COUNTY GOVERNMENT FOR EMPLOYEES WHO CARRY FAMILY HEALTH INSURANCE COVERAGE AND OPENING ENROLLMENT IF THAT PRACTICE IS NOT CURRENTLY IN PLACE

Sheriff Boober appeared before the Commission to discuss the County Family Insurance Plan. Sheriff Boober informed the Commission that a survey had been completed which included 92 employees. The survey was conducted to look at the coverage of the current insurance and employee needs. The Commission invites employees for their comments.

In re: DISCUSSION AND PLAN OF SUPPORT FOR LANDOWNERS ALONG BLOOMERY SECTION OF SHENANDOAH RIVER CONCERNING: TRASH, LOITERING, PUBLIC HEALTH, PUBLIC SAFETY ENVIRONMENTAL ISSUES AND WATER QUALITY

Commissioner R. Morgan requested that this agenda item be placed on next week's agenda.

In re: TIMING OF ANY DESIRED REVISIONS TO COMPREHENSIVE PLAN OF 2004

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

The Commission took a 5 minute break at 2:40 p.m.

In re: COUNTY COMMISSION WORKSHOP - SHEILA BIRNBACH MANAGEMENT CONSULTANT PRESENTATION

The Commission held a workshop with Sheila Birnbach, Management Consultant and discussed job descriptions.

In re: COUNTY COMMISSION WORKSHOP - AGRICULTURAL TASK FORCE

The Commission held a workshop with the Agricultural Task Force to discuss the changes to the Zoning and Subdivision Ordinance rewrite.

In re: PUBLIC COMMENT

Daniel Lutz commented on the ordinance changes.

In re: COUNTY ADMINISTRATOR REPORT

Leslie D. Smith, County Administrator reported that the closing for the purchase of the property at Bardane will be on Friday, January 19, 2007.

Motion by R. Morgan, second by Manuel to take the expenditure for the purchase of the property at Bardane in the amount of \$2.75 Million from the Capital Outlay Fund. Motion carried.

The County Administrator informed the Commission that the letters to the municipalities regarding the Ambulance Authority funding were ready to be mailed.

Ms. Smith also reported that the Jail bids will be on next week's agenda.

Ms. Smith reported on the Community Pool Committee which includes Commissioner R. Morgan and Commissioner Manuel.

The Commission received the following information:

Appointments to be made on February 8, 2007:

- Property Safety Enforcement Agency - Two 2-year terms ending 2/8/09
- Board of Zoning Appeals - Two Alternate Members
- Water Advisory Committee - One unexpired term ending 1/31/08
- Water Advisory Committee - Two 3-year terms ending 1/31/10

Acceptance of bond for Beallair Subdivision in the amount of \$1,325,241.91.

Acceptance of bond for Quail Ridge Subdivision in the amount of \$1346,705.32

Memorandum received from Todd Fagan, GIS Specialist, concerning responses to question during a Commission work session.

Copy of Motion to Dissolve Temporary Injunction on the jail building received.

Correspondence received from Richard D. Raymond concerning the jail building.

Copy of Motion of the County Commission of Jefferson County Opposing decision by the Public Service Commission to grant Metro Emergency Operations a continuance.

Impact Fee Status Report received for December 2006.

Memorandums received from the Department of Impact Fees concerning transfers of funds.

Information received from Kirk Davis concerning schedules and status of County projects.

Correspondence received from Magistrate Court concerning the worthless check clerk position.

Correspondence received from the Charles Town Chaplaincy Services concerning a request for funds.

Correspondence received from Region 9 concerning the FY2008 annual contribution assessment.

Correspondence received from John C. Allen, Jr. concerning the Green Infrastructure course at NCTC.

Correspondence received from SafeHaven Child Advocacy Center concerning their first year of service.

Correspondence received from Ed Dunleavy concerning Kendig Keast.

Correspondence received from the Division of Highways concerning highway and transit projects.

Correspondence received from Roger Boyer concerning his retirement.

Correspondence received from the Department of Environmental Protection concerning the West Virginia's Potomac Tributary Strategy.

Correspondence received from the Public Service Commission concerning Data Base Management Services for E911 Services.

Disbursement of Wireless E-911 Subscriber Fees received from the Public Service Commission.

2007 legislative update received from the County Commissioners' Association.

Information received from the County Commissioners' Association concerning the ATV bill.

Copy of newspaper article received from the County Commissioners' Association concerning legislation.

Legislative information received from the Association of Counties.

Notice received from the Association of Counties concerning the 2007 Annual Meeting on February 11-13, 2007.

Copy of newspaper article received from the Association of Counties concerning mapping.

Oath of Office received from Tiffany L. Hine as a member of the Board of Zoning Appeals.

Oath of Office received from Thomas H. Hansen as a Lieutenant with the Sheriff's Department.

Oath of Office received from Victor C. Lupis as a Sergeant with the Sheriff's Department.

Oath of Office received from Benjamin S. Williams as a Corporal with the Sheriff's Department.

Oath of Office received from David K. Colbert as a Lieutenant with the Sheriff's Department.

Correspondence received from Keith B. Guyot concerning property tax assessment.

Quarterly Financial Report received from the Development Authority.

Ethics reporter received for December 2006.

Meeting minutes received from the Jefferson County Public Service District.

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

Notice received from Loudoun County of a public hearing on January 22, 2007.

Harpers Ferry National Historical Park newsletter received.

Notice received from the United States Bankruptcy Court concerning Adelphia.

Settlement reports 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.

FRANCES B. MORGAN, COMMISSION PRESIDENT