

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, September 18, 2008, beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE

Commissioner Corliss conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Corliss, second by Manuel to dispense with the reading of the Minutes for the meeting held on Tuesday, September 2, 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, September 11, 2008, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Corliss, second by R. Morgan to approve the following Purchase Orders for the Week of September 15, 2008, totaling \$122,709.63: 46107, 46108, 45909, 45893, 45894, 46135, 45981, 45965, 45937, 46051, 46047, 46049, 46050, 45632, 45633, 46053, 46054 and 46052. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by R. Morgan to approve the list of Accounts Payable totaling \$465,298.95 dated September 18, 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
056669	GRANT	AFRICAN AMERICAN COMMUNITY		\$0.00	\$4,899.15	\$4,899.15
056670	425	COMCAST		\$0.00	\$55.94	\$55.94
056671	424	AT&T		\$0.00	\$1.37	\$1.37
056672	424	AUTOZONE		\$0.00	\$9.32	\$9.32
056672	700	AUTOZONE		\$0.00	\$70.81	\$70.81
056673	ALLOC	AHA/ART&HUMANITIES ALLNC		\$0.00	\$3,487.38	\$3,487.38
056674	ALLOC	BLUE RIDGE MTN FIRE CO.		\$0.00	\$40,000.00	\$40,000.00
056675	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
056676	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$62.31	\$62.31
056677	ALLOC	BAKERTON FIRE DEPT		\$0.00	\$40,000.00	\$40,000.00
056678	PAYROLL	BUREAU F/CHILD SPRT ENF		\$0.00	\$212.31	\$212.31
056679	413	CASTO & HARRIS INC	45891	\$296.73	\$0.00	\$296.73
056680	PAYROLL	VA DEPT OF TAXATION		\$0.00	\$299.94	\$299.94
056681	ALLOC	CITIZENS FIRE COMPANY		\$0.00	\$40,000.00	\$40,000.00
056682	700	COURTNEY & SONS TOWING	46042	\$97.50	\$0.00	\$97.50
056683	700	*CREAMERS AUTO SERVICE	46043	\$34.95	\$0.00	\$34.95
056683	711	*CREAMERS AUTO SERVICE	46044	\$124.17	\$0.00	\$124.17
056683	716	*CREAMERS AUTO SERVICE	46046	\$12.00	\$0.00	\$12.00
056684	712	VERIZON CABS		\$0.00	\$150.00	\$150.00
056685	425	OLD CHARLES TOWN LIBRARY		\$0.00	\$1,500.00	\$1,500.00
056686	425	CHARLES TOWN COPYING SRV	46038	\$7.20	\$0.00	\$7.20
056687	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$23.07	\$23.07
056688	425	DAYCON	46026	\$534.80	\$0.00	\$534.80
056689	PAYROLL	EQUITABLE THE EQUIVEST		\$0.00	\$15.00	\$15.00
056690	424	FEDEX		\$0.00	\$98.54	\$98.54
056691	ALLOC	FRIENDSHIP FIRE COMPANY		\$0.00	\$40,000.00	\$40,000.00
056692	716	GALLS INCORPORATED	46105	\$70.98	\$0.00	\$70.98
056693	440	ROGER GOODWIN		\$0.00	\$8.81	\$8.81
056694	ALLOC	INDEPENDENT FIRE COMPANY		\$0.00	\$40,000.00	\$40,000.00
056695	711	INTERNATIONAL ASSOCIATIO	45602	\$170.00	\$0.00	\$170.00
056696	700	INTERNATIONAL POLYGRAPH	45631	\$450.00	\$0.00	\$450.00
056697	PAYROLL	ING		\$0.00	\$635.00	\$635.00
056698	413	JEFF CO PUBLIC SER DEPT		\$0.00	\$27.09	\$27.09
056698	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$56.08	\$56.08
056699	439	JEFFERSON PUBLISH CO INC	45927	\$226.30	\$0.00	\$226.30
056700	425	JEFFERSON COUNTY SOLID	46040	\$54.57	\$0.00	\$54.57
056701	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,593.00	\$4,593.00
056702	712	LANGUAGE LINE SERVICES		\$0.00	\$363.29	\$363.29

056703	PAYROLL	COMPTRROLLER OF MARYLAND			\$0.00	\$537.48	\$537.48
056704	425	HOME DEPOT CREDIT SERVIC			\$0.00	\$597.61	\$597.61
056705	PAYROLL	MD Child Support Account			\$0.00	\$140.00	\$140.00
056706	ALLOC	MIDDLEWAY VOLUNTEER			\$0.00	\$33,333.00	\$33,333.00
056707	405	NATL LEGAL RESEARCH GROU	45843	\$1,141.87	\$0.00	\$1,141.87	\$1,141.87
056708	PAYROLL	NATIONWIDE RETIREMENT			\$0.00	\$765.21	\$765.21
056709	ALLOC	JEFF CO PARKS &			\$0.00	\$17,395.16	\$17,395.16
056710	700	EVELYN J. PARTLOW	45635	\$68.00	\$0.00	\$68.00	\$68.00
056711	403	PROGRESSIVE PRINTING	45828	\$143.00	\$0.00	\$143.00	\$143.00
056712	ALLOC	REGION 9 PLANNING & DEVE			\$0.00	\$15,610.00	\$15,610.00
056713	716	REVIVAL ANIMAL HEALTH	46102	\$1,248.37	\$0.00	\$1,248.37	\$1,248.37
056714	402	ROANOKE STAMP	45892	\$4.50	\$0.00	\$4.50	\$4.50
056715	ALLOC	SHEPHERDSTOWN FIRE CO			\$0.00	\$40,000.00	\$40,000.00
056716	405	SPECIALTY BUS SUPPLIES	45845	\$303.41	\$0.00	\$303.41	\$303.41
056717	405	STAPLES CREDIT PLAN	45846	\$197.84	\$0.00	\$197.84	\$197.84
056718	PAYROLL	STATE DPT O/TAX & REVENU			\$0.00	\$17.86	\$17.86
056718	PAYROLL	STATE DPT O/TAX & REVENU			\$0.00	\$24,146.87	\$24,146.87
056718	PAYROLL	STATE DPT O/TAX & REVENU			\$0.00	\$52.62	\$52.62
056719	704	ST/WV REGIONAL JAIL &	46134	\$95.06	\$0.00	\$95.06	\$95.06
056720	GRANT	SOUTH JEFFERSON PUBLIC			\$0.00	\$3,485.97	\$3,485.97
056721	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$22.84	\$22.84
056721	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$35,089.64	\$35,089.64
056721	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$36.90	\$36.90
056721	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$8.62	\$8.62
056721	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$8,206.48	\$8,206.48
056721	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$97.66	\$97.66
056722	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$47.98	\$47.98
056722	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$19.56	\$19.56
056722	PAYROLL	SHERIFF OF JEFFERSON CO			\$0.00	\$31,769.96	\$31,769.96
056723	424	SPRINT PCS			\$0.00	\$92.73	\$92.73
056723	443	SPRINT PCS			\$0.00	\$126.51	\$126.51
056723	712	SPRINT PCS			\$0.00	\$1,193.23	\$1,193.23
056724	425	SHENANDOAH VALLEY WATER			\$0.00	\$662.50	\$662.50
056725	403	SIR SPEEDY			\$0.00	\$595.76	\$595.76
056726	PAYROLL	TREASURER OF VIRGINIA			\$0.00	\$161.51	\$161.51
056727	425	THOS. SOMERVILLE CO	46039	\$350.29	\$0.00	\$350.29	\$350.29
056728	700	SHANNON R. TRAVIS	45634	\$76.00	\$0.00	\$76.00	\$76.00
056729	425	VALLEY HARDWARE COMPANY	45700	\$113.03	\$0.00	\$113.03	\$113.03
056730	712	VALLEY TWO-WAY, INC	45980	\$194.75	\$0.00	\$194.75	\$194.75
056731	ALLOC	JEFFERSON CO CONVENTION			\$0.00	\$20,882.54	\$20,882.54
056732	PAYROLL	VALIC, %CHASE BANK TEXAS			\$0.00	\$100.00	\$100.00
056733	404	WAHL BUSINESS SOLUTIONS	44540	\$600.00	\$0.00	\$600.00	\$600.00
056734	405	WEST PAYMENT CENTER	45844	\$1,743.27	\$0.00	\$1,743.27	\$1,743.27
056735	424	WILLIAMS MOTOR PARTS, IN	45772	\$10.37	\$0.00	\$10.37	\$10.37
056735	700	WILLIAMS MOTOR PARTS, IN	45772	\$16.95	\$0.00	\$16.95	\$16.95
056736	PAYROLL	WV CPRB/LOAN DIVISION			\$0.00	\$133.20	\$133.20
056737	PAYROLL	WV CPRB/LOAN DIVISION			\$0.00	\$166.50	\$166.50
056738	401	WVNET			\$0.00	\$16.67	\$16.67
056739	GRANT	PAMELA HOLSTEIN-WALLACE			\$0.00	\$4,628.26	\$4,628.26
056740	716	WEBSTER VETERINARY SUPPL	46104	\$131.80	\$0.00	\$131.80	\$131.80
TOTAL					\$8,517.71	\$456,781.24	\$465,298.95

In re: PSD AND RECOMMENDED SERVICE AREA ADJUSTMENT

Commissioner Surkamp removed this item from the agenda.

In re: MOTION TO PLACE THE ZONING ORDINANCE BEFORE THE PEOPLE FOR A VOTE (DM)

Upon request by Commissioner Manuel and by consensus, the Commission agreed to keep this item on the agenda as old business.

In re: ENGINEERING STUDY TO ASCERTAIN THE NEED FOR SLOPE REQUIREMENTS ON THE BLUE RIDGE (DM)

Upon request by Commissioner Manuel and by consensus, the Commission agreed to keep this item on the agenda as old business.

In re: LEGISLATIVE ISSUES

Commissioner Morgan updated the Commission on the Community Criminal Justice Board (Day Reporting Center).

In re: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION

Tony Redman, Director of Planning and Zoning appeared before the Commission to discuss the draft Zoning and Subdivision Ordinance. For the record, Robert Reynolds, Planning Commission President was present.

In re: PLANNING DEPARTMENT TRANSITION/DISCUSSION (JS)

The Commission discussed the departure of Mr. Redman. By consensus, the Commission agreed to advertise for Mr. Redman's position. For the record, Robert Reynolds, Planning Commission President was present and made comments.

In re: BONDING AND ACTIVITY REPORT

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Corliss, second by Manuel to approve the complete release of an Irrevocable Letter of Credit in the amount of \$13,742.00 for Patricia M. Sanderson - Shenandoah Construction Management, LLC. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Manuel, second by Corliss to approve the partial release of an Irrevocable Letter of Credit in the amount of \$112,222.00 for RAI Group, LLC - Harrison Building Lot 43B with the County to retain \$170,928.00. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve the partial release of an Irrevocable Letter of Credit in the amount of \$31,788.00 for Mark D. Zwilsky - Potomac Metals, Inc. with the County to retain \$143,134.00. Motion carried.

Mr. Goodwin reported on the Mountain Water System Study and will provide a summary of the report to the Commission.

In re: PUBLIC COMMENT

LETTER TO PATH REGARDING NATIONAL REGISTER OF PROPERTIES (JS)

HISTORIC LANDMARKS COMMISSION - PATH TRANSMISSION LINES

Patience Wait appeared before the Commission under Public Comment to discuss PATH transmission lines. By consensus, the Commission agreed to discuss her comments as an agenda item.

After discussion, motion by Corliss, second by Manuel to create a Resolution outlining the problems and the impact of transmission lines and to place this item on next week's agenda for approval. Motion carried.

In re: PUBLIC COMMENT - CONTINUED

Tim Barr, Jefferson County Parks and Recreation Director appeared before the Commission and requested the Commission to include Parks and Recreation in the Wage and Classification Study.

Fred Blackmer appeared before the Commission and commented on the audio issues on live web cast meetings. Mr. Blackmer also commented on the PATH transmission lines.

In re: BARBARA MILLER

- GRANT FOR \$75,000 FOR REGIONAL HOMELAND SECURITY COORDINATOR
- CONTRACT WITH PAMELA HOLSTEIN-WALLACE FOR REGIONAL HOMELAND SECURITY COORDINATOR
- NATIONAL FLOOD INSURANCE COMMUNITY RATING SYSTEM ANNUAL RE-CERTIFICATION FORM

Barbara Miller, Director of Homeland Security and Emergency Management appeared before the Commission to request approval of a grant in the amount of \$75,000 for the Regional Homeland Security Coordinator and to contract with Pamela Holstein-Wallace as the Regional Homeland Security Coordinator. Motion by Manuel, second by Corliss to approve the grant and to continue to contract with Pamela Holstein-Wallace as the Regional Homeland Security Coordinator. Motion carried.

Motion by Manuel, second by Corliss to approve the annual re-certification with the National Flood Insurance Community Rating System and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion carried.

Ms. Miller discussed the flood gauge at Millville and informed the Commission that the USGS will no longer be funding that flood gauge. Motion by Manuel, second by R. Morgan to direct Ms. Miller to prepare a letter to be sent to representatives asking continued support and funding of the flood gauge at Millville and to place this item on next week's agenda. Motion carried.

In re: JAMES B. CRAWFORD - CITY OF CHARLES TOWN ANNEXATION

James B. Crawford, Attorney for the City of Charles Town appeared before the Commission to present an Annexation Order and Certificate. Motion by Surkamp, second by Manuel to approve the Certificate of Annexation and Order for the properties of Stolipher and Zigler containing an aggregate of 106.69876 acres. Motion carried.

For the record, Stephanie Grove, Assistant Prosecuting Attorney was present and informed the Commission that she reviewed the Certificate of Annexation and that it is in order.

In re: LORI STILLEY - WRIGHT DENNY ELEMENTARY SCHOOL PARENT/TEACHER ORGANIZATION - REQUEST FOR FUNDING

Lori Stilley, PTSO Grant Coordinator appeared before the Commission to request funding for Wright Denny Elementary School for fitness playground equipment. After discussion, no action was taken. Commissioner Manuel agreed to work with legislators to request funds for the playground equipment for Wright Denny.

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

**In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT
- BCT - NEW BOND IN THE TOTAL PENALTY AMOUNT OF \$4,444,000 AS A
SECURITY FOR CD NUMBER 24171**

Jennifer Maghan, County Clerk appeared before the Commission to present a new bond for BCT in the total penalty amount of \$4,444,000 as a security for CD number 24171. Motion by Manuel, second by R. Morgan to accept and approve the new bond for BCT in the total penalty amount of \$4,444,000 as a security for CD number 24171. Motion carried.

Ms. Maghan read a Proclamation declaring this week Constitution Week.

Ms. Maghan updated the Commission on voter registration.

Ms. Maghan reported to the Commission that the computers had been running slow the past couple of weeks. After discussion with Mark Schiavone, Director of Capital Planning and Management and Leslie Smith, County Administrator, motion by Surkamp, second by F. Morgan to provide passwords for the switches (security access) to county IT. Motion by Manuel, second by Corliss to table this matter until next week. Motion passed by a 3-2 vote Commissioners F. Morgan and Surkamp voted no.

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

No action was taken on this agenda item.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to give the weekly legal update and report. Ms. Grove reported on the following:

- Parks and Recreation Commission meeting she attended
- Distributed the "To Do List"
- Tax Appeal Cases pending

Ms. Grove reported on the Fire/EMS Fees and draft Ordinance. After discussion, the Commission agreed to hold a public hearing in 3 weeks. For the record, Jay Watson, President Jefferson County Fire and Rescue Association, Pete Kelley, President Jefferson County Ambulance Authority, Mark Schiavone, Director of Capital Planning and Management and Paul Rosa were present and made comments.

In re: UPDATE OF FIRE/EMS FEES

This agenda item was discussed under agenda item "STEPHANIE GROVE - LEGAL UPDATE AND REPORT"

In re: EXECUTIVE SESSION

Motion by Corliss, second by Manuel to enter into Executive Session with Stephanie Grove and James Casimiro, Assistant Prosecuting Attorneys to discuss pending litigation. Motion carried.

The Commission recessed for lunch after Executive Session.

The Commission reconvened at 1:30 p.m.

In re: EXECUTIVE SESSION - CONTINUED

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

In re: DON JACOBS - CLASSIFICATION AND WAGE CONSULTANT

Don Jacobs, Jacobs Consulting appeared before the Commission to give an update on the Classification and Wage Study.

In re: JAIL OPENING CELEBRATION COMMITTEE

Leslie D. Smith, County Administrator reported on the Jail Opening Celebration.

In re: APPOINTMENTS TO THE FARMLAND PROTECTION BOARD

Motion by Surkamp, second by Corliss to reappoint Christian Lotze and Joe Funkhouser to the Farmland Protection Board for 4 year terms ending September 7, 2012. Motion carried.

In re: SCHOOL IMPACT FEE RECALCULATION

Mark Schiavone, Director of Capital Planning and Management appeared before the Commission to discuss the possibility of reevaluating the process to calculate school impact fees. After discussion, the Commission directed that Mr. Schiavone obtain a price quote from a consultant who could help study the issue.

In re: APPROVAL OF GEO-TECHNICAL CONTRACT - PROPOSED JUDICIAL CENTER

Kirk Davis, Capital Projects Manager appeared before the Commission to request approval of a GEO-Technical Contract for the proposed Judicial Center. Motion by Corliss, second by Manuel to approve the contract in the amount of \$28,000 for a GEO-Technical Study for the proposed Judicial Center contingent upon legal review. Motion carried.

In re: ROAD SIGNS FOR CYCLIST SAFETY (JS)

Commissioner Surkamp discussed the safety of cyclists. The Commission agreed to send a letter to the West Virginia Department of Highways asking for advice on signs to reduce the hazards and road safety for cyclists.

In re: LETTER TO BYRD, ROCKEFELLER AND CAPITO RE EXTENSION OF TAX CREDITS FOR SOLAR AND WIND IMPROVEMENTS (JS) - LETTER TO FEDERAL OFFICIALS REGARDING EXTENSION OF TAX CREDITS (JS)

Commissioner Surkamp discussed the extension of tax credits for solar and wind improvements. Motion by Surkamp, second by Manuel to send letters to Senator Byrd, Senator Rockefeller and Congresswoman Capito asking for an extension of tax credits for solar and wind improvements. Motion passed by a 3-2 vote. Commissioners R. Morgan and Corliss voted no.

In re: REMOVE MOTION FROM THE TABLE

Motion by R. Morgan, second by Surkamp to remove the motion to provide passwords for the switches (security access) to the county IT Specialist from the table. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

Motion by R. Morgan, second by Surkamp to provide passwords for the switches (security access) to the county IT. Motion carried.

In re: COUNTY ADMINISTRATOR REPORTS

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

- Pictures donated by Bill Scott
- Letter sent to Carol Crabtree regarding an income survey for the Mountain Water Study
- Distributed the expenditure report

In re: COUNTY COMMISSION REPORTS

Commissioner F. Morgan reported on an email she received regarding an incident at Duffields Train Station.

Commissioner F. Morgan reported on a progress report she received from Robert Richards regarding Sam Michael's Park.

Commissioner R. Morgan reported on the Keep Jefferson Beautiful meeting he attended.

Commissioner R. Morgan commented on PATH Transmission Line issues and benefits.

The Commission received the following information:

Memorandum received from Sheriff Boober concerning a Certificate of Deposit.

Memorandum received from Sheriff Boober concerning County investments.

Correspondence received from the West Virginia Development Office concerning the Regional Economic Development Alliance for the Eastern Panhandle.

Correspondence received from William H. Scott concerning the Lee and Jackson lithographs in the meeting room.

Correspondence received from the Division of Highways concerning the Statewide Transportation Improvement Program.

Information received from the Association of Counties concerning the Create WV Conference on October 21-22, 2008.

Meeting minutes received from the Jefferson County Public Service District.

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

Correspondence received from the Secretary of State's office concerning qualified newspapers.

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

Certificate received from the West Virginia Association of Counties for "State Strength through County Cooperation."

CORRESPONDENCE

Correspondence received from Kristin Bachtell concerning the JUI Rate Case.

Correspondence received from John Piwowarski.

Correspondence received from John Urciolo concerning college and university endowments.

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

Frances B. Morgan, Commission President