

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 25, 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 Manuel conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES
Motion by R. Morgan, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, September 18, 2008, and to approve the Minutes as amended. Motion carried.

Motion by R. Morgan, second by Manuel to dispense with the reading of the Minutes for the meeting held on Wednesday, September 17, 2008, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS
Motion by R. Morgan, second by Manuel to approve the following Purchase Orders for the Week of September 25, 2008, totaling \$21,580.90: 45697, 46062, 46058, 46139, 45896, 45897, 45961, 45964, 45943, 46057, 45934, 45938, 45636, 45637, 45639, 45640, 45641, 45642, and 44537. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by Manuel, second by Corliss to approve the list of the Accounts Payable dated September 25, 2008, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
056742	425	ALLEGHENY POWER		\$ 0.00	\$ 691.13	\$ 691.13
056743	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ 0.00	\$ 3,980.78	\$ 3,980.78
056744	425	BIEDLERS ELEC MOTOR REP	46049	\$ 272.79	\$ 0.00	\$ 272.79
056745	700	EVERETT W BOOBER		\$ 0.00	\$ 364.21	\$ 364.21
056746	425	B-K OFFICE SUPPLY INC	46050	\$ 358.74	\$ 0.00	\$ 358.74
056746	439	B-K OFFICE SUPPLY INC	45932	\$ 368.90	\$ 0.00	\$ 368.90
056747	GRANT	BLUE RIDGE ACRES		\$ 0.00	\$ 8,000.00	\$ 8,000.00

056748	700	COUNTRY ROADS TIRE & AUT	46053	\$ 828.16	\$ 0.00	\$ 828.16
056749	406	*CREAMERS AUTO SERVICE	46060	\$ 39.31	\$ 0.00	\$ 39.31
056749	700	*CREAMERS AUTO SERVICE	46052	\$ 197.01	\$ 0.00	\$ 197.01
056749	711	*CREAMERS AUTO SERVICE	46051	\$ 311.71	\$ 0.00	\$ 311.71
056749	712	*CREAMERS AUTO SERVICE	46052	\$ 34.95	\$ 0.00	\$ 34.95
056750	424	JANET COLLIER		\$ 0.00	\$ 120.00	\$ 120.00
056751	425	DAYCON	46048	\$ 90.30	\$ 0.00	\$ 90.30
056751	425	DAYCON	46059	\$ 18.54	\$ 0.00	\$ 18.54
056752	ALLOC	EASTERN PANHANDLE FREE		\$ 0.00	\$ 10,000.00	\$ 10,000.00
056753	424	FRONTIER		\$ 0.00	\$ 168.43	\$ 168.43
056754	700	GALLS INCORPORATED	45633	\$ 704.81	\$ 0.00	\$ 704.81
056754	701	GALLS INCORPORATED	45633	\$ 564.52	\$ 0.00	\$ 564.52
056755	415	GENERAL COUNTY FUND-J FE		\$ 0.00	\$ 20,506.40	\$ 20,506.40
056756	425	GRAINGER, INC	46041	\$ 458.55	\$ 0.00	\$ 458.55
056756	425	GRAINGER, INC	46047	\$ 233.09	\$ 0.00	\$ 233.09
056757	425	DVILLE, INC	45957	\$ 52.49	\$ 0.00	\$ 52.49
056757	712	DVILLE, INC	45959	\$ 78.49	\$ 0.00	\$ 78.49
056758	ALLOC	JEFF CO COMMUN MINISTRIE		\$ 0.00	\$ 4,000.00	\$ 4,000.00
056759	712	DR ROBERT JONES		\$ 0.00	\$ 1,000.00	\$ 1,000.00
056760	425	MATTHEW BENDER & CO	46056	\$ 48.92	\$ 0.00	\$ 48.92
056760	716	MATTHEW BENDER & CO	46056	\$ 48.93	\$ 0.00	\$ 48.93
056761	700	MCKINNEY'S AUTO REPAIR	46045	\$ 180.34	\$ 0.00	\$ 180.34
056761	700	MCKINNEY'S AUTO REPAIR	46054	\$ 1,457.96	\$ 0.00	\$ 1,457.96
056761	700	MCKINNEY'S AUTO REPAIR	46061	\$ 31.08	\$ 0.00	\$ 31.08
056762	401	THOMAS R. MICHAEL		\$ 0.00	\$ 273.13	\$ 273.13
		**NAT'L ACDMY				
056763	712	O/EMERGENC	45969	\$ 90.00	\$ 0.00	\$ 90.00
056764	402	PIFER OFFICE SUPPLY, INC	45879	\$ 13.89	\$ 0.00	\$ 13.89
056764	402	PIFER OFFICE SUPPLY, INC	45880	\$ 31.02	\$ 0.00	\$ 31.02
056765	712	PSYCHOLOGICAL HEALTH ASS	45965	\$ 375.00	\$ 0.00	\$ 375.00
056766	402	PC 4 LESS	45895	\$ 8.00	\$ 0.00	\$ 8.00
056767	704	ST/WV REGIONAL JAIL &	46135	\$ 88,400.95	\$ 0.00	\$ 88,400.95
056768	983	WV SECRETARY OF STATE	45894	\$ 23,470.10	\$ 0.00	\$ 23,470.10
056769	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ 0.00	\$ 7,599.75	\$ 7,599.75
056770	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ 0.00	\$ 9,387.97	\$ 9,387.97
056771	401	PAUL D.SHROYER	45893	\$ 4,200.00	\$ 0.00	\$ 4,200.00
056772	700	VALLEY TWO-WAY, INC	45632	\$ 249.75	\$ 0.00	\$ 249.75
056773	PAYROLL	WV PUB EMP RETIRE SYS		\$ 0.00	\$ 21,679.84	\$ 21,679.84
056774	PAYROLL	WV PUB EMP RETIRE SYS		\$ 0.00	\$ 50,586.17	\$ 50,586.17
CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
056775	716	WV BOARD VETERINARY MED	46110	\$ 50.00	\$ 0.00	\$ 50.00
056776	440	WV CODE OFFICIALS ASSOC	45937	\$ 150.00	\$ 0.00	\$ 150.00
056777	716	WALMART BUSINESS		\$ 0.00	\$ 75.39	\$ 75.39
056778	716	WEBSTER VETERINARY SUPPL	46109	\$ 39.80	\$ 0.00	\$ 39.80
TOTAL						\$ 261,891.30
TOTAL				\$ 123,458.10	\$ 138,433.20	\$ 261,891.30

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$ 4,473.13

402/CCLK	CO. CLERK	\$	52.91
403/CIR CLK	CIRCUIT CLERK		
404/TAX	TAX OFFICE		
405/PA	PROS ATTY		
406/ASSR	ASSESSORS	\$	39.31
408/GOV	ST.COMPNET CHG BO GOV UNIT		
412/AG	AG AGT		
413/ELE	ELECTION		
415/MAG CT	MAGISTRATE COURT		
415/	GENERAL SCHOOL/CO TRANSFER	\$	20,506.40
422/CP&M	CAPITAL PLANNING & MNGMNT		
424/CTHS	COURT HOUSE	\$	288.43
425/OB	OTHER BUILDING	\$	2,224.55
428/DATAP	DATA PROCESSING		
430/HLS	HOMELAND SEC		
431/ECON DEV	ECON DEV		
433/GIS	GIS/ADDRESSING		
439/PZ	PLANNING ZONING	\$	368.90
440/ENG.	DEPT OF ENGINEERING	\$	150.00
451/ZONING	ZONING DEPT		
700/SHRF	SHERIFF DEPT	\$	4,013.32
701/SHRF	SHERIFF DEPT	\$	564.52
704/WV JAIL	ST/WV REGIONAL JAIL	\$	88,400.95
711/OES	EMERG SVC	\$	311.71
712/911	911 COMMUNICATION	\$	1,578.44
716/A/C	ANIMAL CONTROL	\$	214.12
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	\$	23,470.10
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	\$	14,000.00
GRANTS	GRANTS	\$	8,000.00
PAYROLL	PAYROLL	\$	93,234.51
TOTALS		\$	261,891.30

In re: **HIRING COUNSEL FOR PERSONNEL MATTERS - NOT TO EXCEED \$3,000 - AND DUTIES TO INCLUDE NEGOTIATIONS**

Commissioner Surkamp withdrew this agenda item without objection.

In re: LEGISLATIVE ISSUES

Commissioner Manuel updated the Commission on the funding for the playground equipment at Wright Denny.

In re: BONDING AND ACTIVITY REPORT

Upon recommendation from the Chief County Engineer, Roger Goodwin, motion by R. Morgan, second by Manuel to approve the partial release of a letter of credit for the Old Route 340 Business Center in the amount of \$405,051.65, with the County to retain \$166,465. Motion carried.

Mr. Goodwin discussed his summary of the Dunn Engineering report on the Mountain Communities Water Study.

In re: ZONING AND SUBDIVISION ORDINANCE DISCUSSION

Tony Redman, Director of Planning and Zoning, discussed with the Commission the workshop on the zoning ordinance scheduled for 1:30 today.

In re: PUBLIC COMMENT

Fred Blackmer commented on the draft zoning ordinance.

In re: CRAIG CELLAR - NATIONAL PARK SERVICE - DRAFT GENERAL MANAGEMENT PLAN PRESENTATION

Craig Cellar and Dennis Frye, from the National Park Service, appeared before the Commission to present the Draft General Management Plan for Harpers Ferry National Historical Park. After discussion, the Commission directed the County Administrator to draft a letter to reemphasize the Commission's previous correspondence concerning the draft plan.

In re: PATIENCE WAIT - PATH INFORMATION AND DRAFT RESOLUTION

Patience Wait appeared before the Commission to present a resolution opposing the proposed routes for the electrical lines through Jefferson County for the Potomac Allegheny Transmission Highline project. Peter Fricke, from the Farmland Protection Board, was present and commented on the matter. After discussion, motion by Corliss, second by Surkamp to approve the following resolution. Motion carried.

**A RESOLUTION OF THE JEFFERSON COUNTY COMMISSION
OPPOSING PROPOSED ROUTES FOR INTERSTATE HIGH-VOLTAGE ELECTRICAL LINES THROUGH
JEFFERSON COUNTY FOR THE POTOMAC APPALACHIAN TRANSMISSION HIGHLINE PROJECT**

WHEREAS, the members of the Jefferson County Commission have been elected to serve and protect the collective interest of citizens of Jefferson County, West Virginia; and

WHEREAS, Allegheny Energy (Allegheny) and American Electric Power (AEP) have proposed to build

46 miles of twin-circuit 500-kV transmission from Bedington, West Virginia, to a new substation near Kempton, southeast of Frederick, Maryland, as part of the regional Potomac Appalachian Transmission Highline (PATH) project; and

WHEREAS, Allegheny and AEP have identified several proposed links to be routed through portions of Jefferson County; and

WHEREAS, the PATH project is intended to deliver electricity to the Northeastern Corridor of the United States, not including West Virginia; and

WHEREAS, this proposal would do harm to the citizens of Jefferson County, who reside here because they highly value agriculture, rural character, scenic view sheds, tourism, metropolitan access, and environmental, historic, and cultural resources; and

WHEREAS, this proposal would displace as many as 230 homeowners, tenants, businesses, and churches, with an estimated value of as much as \$62.1 million, as demonstrated on the map and attachment attached hereto; and

WHEREAS, this proposal would inflict economic damage through adverse impact on the value of properties in as many as 16 subdivisions, as demonstrated on the map and attachment attached hereto; and

WHEREAS, this proposal would pose an immediate economic harm to as many as 10 historic sites within Jefferson County; and

WHEREAS, this proposal would route high-voltage transmission lines across properties enrolled in the U.S. Department of Agriculture's Farm and Range Protection Program, in violation of the provisions of that program; and

WHEREAS, this proposal would jeopardize the economic welfare of all residents of Jefferson County through its sizeable impact on property tax revenues; and

WHEREAS, this proposal would impose water quality degradation for residents throughout the county from herbicides used to maintain the easements for the links, because of high sensitivity of ground water aquifers, due to the karst topography (limestone caves) in the area; and

WHEREAS, residents would suffer noise and disturbance during construction; and

WHEREAS, public and private roads would suffer delays, wear and damage beyond that caused by residents in affected subdivisions and neighborhoods; and

WHEREAS, this proposal is an inefficient use of resources, with a significant amount of the electricity transmitted over this line lost before reaching the Northeastern Corridor; and

WHEREAS, the presence of a high-power transmission line may pose health risks to residents in neighborhoods affected by the proposed links because of the electromagnetic fields generated as electricity leaches from the lines; and

WHEREAS, this proposal would threaten the use and value of parks and recreation areas along the proposed links; and

WHEREAS, this proposal would reduce wildlife habitat and pose a threat to biodiversity; and

WHEREAS, this proposal further increases the occurrence of mine subsidence, acid mine drainage, and/or mountaintop removal, at a time when the impact of climate change requires cutting back on these activities; and

WHEREAS, this proposal will result in increased air pollution, including acid rain, ozone, mercury and particulate pollution, especially as power from old-technology, dirty coal plants displaces cleaner natural gas plants; and

WHEREAS, this proposal will result in increased emissions of greenhouse gases for the life of the line; and

WHEREAS, this proposal will result in increased electricity costs to Jefferson County residents, who will pay a portion of the construction and operation costs despite receiving no direct benefit; and

WHEREAS, increased air pollution will exacerbate the potential for Jefferson County to fail to meet air quality health standards, jeopardizing economic development in the county, restricting access to federal highway funds, and imposing additional sanctions for vehicular or local sources of air pollution; and

WHEREAS, the U.S. Department of Energy (DOE) announced its designation of the Mid-Atlantic National Interest Electric Transmission (NIET) corridor, to include Jefferson County, excusing Allegheny and AEP from preparing an environmental impact statement that would provide an assessment of the impact of PATH on rare and endangered plant and animal species (under the Endangered Species Act) or damage to historic properties and landscapes (under the National Historic Preservation Act) in this historically rich region of the United States; and

WHEREAS, sensible national energy policy must foster an optimal mix of deliverable power from diverse sources, the Jefferson County Commission does not believe this line will enhance electric reliability or security; and

WHEREAS, this proposal does not demonstrate the need to originate in West Virginia;

NOW THEREFORE, BE IT RESOLVED, that the Jefferson County Commission does hereby oppose the construction of PATH anywhere inside the boundaries of Jefferson County; and

BE IT FURTHER RESOLVED, that the Jefferson County Commission does express its support for and agreement with other counties in West Virginia that oppose the construction of PATH within their boundaries.

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

/s/ _____
President

/s/ _____
Vice President

/s/ _____
Commissioner

/s/ _____
Commissioner

/s/ _____
Commissioner

/s/ _____
Jennifer S. Maghan, County Clerk
Dated: September 23, 2008

The Commission took a break at 10:50 a.m.
The Commission reconvened at 11:00 a.m.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission to give the County Clerk's report. Ms. Maghan updated the Commission on the upcoming general election.

In re: SEARCH COMMITTEE/PLANNING DIRECTOR (JS)

After discussion, motion by Surkamp, second by R. Morgan to form a search committee, for the purpose of hiring a Planning Director, to consist of the 5 County Commissioners; Arnie Dailey and Robert Reynolds, from the Planning Commission; and Tom Trumble, from the Board of Zoning Appeals. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

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

No action was taken on this agenda item.

In re: APPROVAL OF GRANT CONTRACT AND RESOLUTION - GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM CONTRACT - JEFFERSON COUNTY PARKS AND RECREATION

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

In re: HIRE LEGAL COUNSEL (JS)

Commissioner Surkamp withdrew this agenda item without objection.

In re: LETTER TO PUBLIC SERVICE COMMISSION REGARDING STAFF HANDLING OF JEFFERSON UTILITY INCORPORATED WATER RATE CASES (JS)

After discussion and comments from James Casimiro, Assistant Prosecuting Attorney, Commissioner Surkamp withdrew this agenda item without objection.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney, appeared before the Commission for the legal update and report. Ms. Grove presented her "to do list" and reported on the Don Orser tax appeal case.

In re: LETTERS OF SUPPORT FOR FLOOD GAUGE FUNDING

The Commission agreed to authorize the President's signature on the letters of support for flood gauge funding.

In re: PLANNING DEPARTMENT TRANSITION/DISCUSSION

The Commission agreed to take this matter up with Tony Redman at 1:30 p.m.

In re: COUNTY ADMINISTRATOR REPORTS

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

- Cable Franchise Agreement
- Public Hearing scheduled for October 21, 2008, at 7:00 p.m. for the Fire/EMS Board
- Invitation received from Eric Lewis to attend a reception

- Cutover date of October 28, 2008 to the new radio system
- Grant application for the Water Advisory Committee
- Appeal forms received and forwarded to the compensation study consultant
- Expenditure report

In re: JAIL BUILDING REDEDICATION - STAFF COMMENDATION

Commissioner F. Morgan commended Maintenance Director Bill Polk and his staff for the work done in setting up and handling the Jail Building Rededication.

In re: COUNTY COMMISSION REPORTS

No reports were given.

In re: JACKSON AND LEE LITHOGRAPHS

The Commission discussed placement of the Jackson and Lee lithographs that were provided by Bill Scott. After discussion, the Commission agreed to ask Judge Steptoe if he would like the lithographs placed in the Courtroom.

In re: DEPARTMENT HEAD EVALUATION CONTINUED

Motion by Corliss, second by Surkamp to enter into Executive Session for the purpose of the continuation of a department head evaluation. Motion carried.

The Commission recessed for lunch until 1:30 p.m.

Motion by Surkamp, second by Manuel to resume Regular Session. Motion carried.

In re: PLANNING DEPARTMENT TRANSITION/DISCUSSION

The Commission discussed, with Tony Redman, the Planning Department's transition due to his resignation. Mr. Redman agreed to provide his ideas, in writing, on how to handle the transition.

In re: ZONING ORDINANCE REVIEW AND DISCUSSION

Tony Redman, Director of Planning and Zoning, appeared before the Commission to discuss the proposed zoning ordinance. Mr. Redman reviewed a summary of public comments provided on the zoning text and zoning map. Stephanie Grove, Assistant Prosecuting Attorney, was present for the discussion and made comment. Comments were also made by Carla Coffey, Fred Blackmer and Robert Reynolds.

The Commission received the following information:

Memorandum received from Jeffrey Polczynski concerning the cut over to the new 911 Center and the new radio system.

Correspondence received from Patricia A. Noland concerning computer system access.

News release received from the Arts and Humanities Alliance concerning the election of new board members.

Correspondence received from the Association of Counties concerning the WVACo Purchasing Card.

Meeting minutes received from the Eastern Panhandle Transit Authority.

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

Correspondence received from the WV Association of Counties concerning prescription drug savings card.

Assessor's Certificate of Compliance received from the Department of Agriculture.

IAFC Member Alert received from Commissioner Surkamp.

Correspondence received from the WV Department of Health and Human Resources Bureau for Public Health regarding Solution to Enter Grant Award process for the Water Advisory Committee.

Community Bulletin received from Harpers Ferry National Historical Park.

Correspondence received from Anthony W. Burgess regarding "Patriots Baseball".

CORRESPONDENCE

Comments on the draft zoning ordinance received from Paul Burke.

Correspondence received from G. Warren and Reva Mickey concerning the draft zoning map.

Correspondence received from Fran Brolle concerning the proposed PATH lines.

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

PRESIDENT