

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, December 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

Commissioner F. Morgan commented that this is an historic meeting in that it would be the last Regular Meeting with Commissioners R. Morgan and Corliss.

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, December 11, 2008, 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 December 15, 2008, totaling \$18,410.23: 46361, 46363, 44442, 46151, 46155, 46156, 46480, 46481, 46384, 46387, 46370, 46362, 46364, 46368, 46371, 46436, 46170, 46171, 46172, 46173, 46367, 46340, 46365 and 45954. The Commission agreed to hold this agenda item for further review.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by Manuel to approve the list of Accounts Payable totaling \$604,432.62 dated December 18, 2008 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

Ck No	Dept	Vendor	PO#	PO Amt	Amt wo PO	Ck Amt
057569	700	ALGERS AUTO RECYCLING	46358	\$135.00	\$0.00	\$135.00
057570	440	AMERICAN SOCIETY OF	46401	\$215.00	\$0.00	\$215.00
057571	425	COMCAST		\$0.00	\$55.93	\$55.93
057572	424	AT&T/NJ		\$0.00	\$0.97	\$0.97
057573	440	ASSOC ST.FLOODPLAIN MNGR	45953	\$250.00	\$0.00	\$250.00
057574	424	USA MOBILITY WIRELESS,IN		\$0.00	\$200.17	\$200.17
057574	700	USA MOBILITY WIRELESS,IN		\$0.00	\$397.95	\$397.95
057574	712	USA MOBILITY WIRELESS,IN		\$0.00	\$421.30	\$421.30
057575	ALLOC	AHA/ART&HUMANITIES ALLNC		\$0.00	\$4,817.96	\$4,817.96
057576	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
057577	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$49.85	\$49.85
057578	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$212.31	\$212.31
057579	413	CASTO & HARRIS INC	46378	\$28,329.63	\$0.00	\$28,329.63
057580	700	COUNTRY ROADS TIRE & AUT	46360	\$379.20	\$0.00	\$379.20
057580	700	COUNTRY ROADS TIRE & AUT	46360	\$644.24	\$0.00	\$644.24
057581	700	*CREAMERS AUTO SERVICE	46359	\$35.95	\$0.00	\$35.95
057581	700	*CREAMERS AUTO SERVICE	46366	\$31.45	\$0.00	\$31.45
057581	712	*CREAMERS AUTO SERVICE	46366	\$59.85	\$0.00	\$59.85
057582	413	CHARLES TOWN COPYING SRV	46380	\$430.08	\$0.00	\$430.08
057583	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$27.69	\$27.69
057584	700	CARS/COMPLETE AUTO REPAI	46357	\$352.02	\$0.00	\$352.02
057585	425	DELL MARKETING LP	45548	\$1,314.25	\$0.00	\$1,314.25
057586	425	DAYCON	46355	\$384.30	\$0.00	\$384.30
057587	401	D I JACOBS CONSULTING		\$0.00	\$3,282.93	\$3,282.93
057588	PAYROLL	EQUITABLE THE EQUIVEST		\$0.00	\$15.00	\$15.00
057589	413	ESS ELECTION SYSTEMS &	46376	\$6,251.70	\$0.00	\$6,251.70
057589	413	ESS ELECTION SYSTEMS &	46386	\$165.00	\$0.00	\$165.00
057590	405	EMBASSY SUITES	46238	\$159.94	\$0.00	\$159.94
057591	425	ENGINEERED DIGITAL APPL	46353	\$1,088.47	\$0.00	\$1,088.47
057592	415	GENERAL COUNTY FUND-J FE		\$0.00	\$16,883.65	\$16,883.65
057593	PAYROLL	NG		\$0.00	\$410.00	\$410.00
057594	413	JEFF CO PUBLIC SER DEPT		\$0.00	\$27.51	\$27.51
057594	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$54.91	\$54.91

057595	ALLOC	JEFFERSON CO AMBULANCE		\$0.00	\$350,000.00	\$350,000.00
057596	404	JEFFERSON PUBLISH CO INC	44548	\$597.63	\$0.00	\$597.63
057596	413	JEFFERSON PUBLISH CO INC	46379	\$1,256.14	\$0.00	\$1,256.14
057596	439	JEFFERSON PUBLISH CO INC	46433	\$136.65	\$0.00	\$136.65
057596	401	JEFFERSON PUBLISH CO INC		\$0.00	\$78.19	\$78.19
057597	425	JEFFERSON COUNTY SOLID	46369	\$75.99	\$0.00	\$75.99
057598	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,999.00	\$4,999.00
057599	412	LANCASTER FARMING	45011	\$82.00	\$0.00	\$82.00
057600	716	LAW ENFORCEMENT SYS INC	45096	\$49.00	\$0.00	\$49.00
057601	425	HOME DEPOT CREDIT SERVIC		\$0.00	\$894.04	\$894.04
057602	424	MICROMAIN CORPORATION	46372	\$69.95	\$0.00	\$69.95
057603	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
057604	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$765.21	\$765.21
057605	405	NATL DIST ATTORNEYS ASSO	46234	\$165.00	\$0.00	\$165.00
057606	712	**NAT'L ACDMY O/EMERGENC	45989	\$45.00	\$0.00	\$45.00
057607	424	Comfort Design, Inc.	46031	\$10,656.00	\$0.00	\$10,656.00
057608	GRANT	JEFF CO PARKS &		\$0.00	\$7,787.50	\$7,787.50
057608	ALLOC	JEFF CO PARKS &		\$0.00	\$24,032.09	\$24,032.09
057609	402	PIFER OFFICE SUPPLY, INC	46381	\$239.18	\$0.00	\$239.18
057609	402	PIFER OFFICE SUPPLY, INC	46382	\$98.95	\$0.00	\$98.95
057609	403	PIFER OFFICE SUPPLY, INC	46158	\$58.54	\$0.00	\$58.54
057610	712	PUBLIC SAFETY TRAINING C	45986	\$2,000.00	\$0.00	\$2,000.00
057610	712	PUBLIC SAFETY TRAINING C	46254	\$129.75	\$0.00	\$129.75
057611	403	LAURA RATTENNI	46157	\$60.34	\$0.00	\$60.34
057612	425	ROACH OIL COMPANY	46354	\$291.60	\$0.00	\$291.60
057612	424	ROACH OIL COMPANY		\$0.00	\$292.15	\$292.15
057612	425	ROACH OIL COMPANY		\$0.00	\$914.01	\$914.01
057613	425	RCS SECURITY	46356	\$2,497.15	\$0.00	\$2,497.15
057613	712	RCS SECURITY	45995	\$1,500.00	\$0.00	\$1,500.00
057614	413	SHEPHERDSTOWN CHRONICLE	46377	\$637.56	\$0.00	\$637.56
057615	405	SPECIALTY BUS SUPPLIES	46237	\$2,230.61	\$0.00	\$2,230.61
057616	704	ST/WV REGIONAL JAIL &	46301	\$92,398.32	\$0.00	\$92,398.32
057617	711	SOFTWARE COMPUTER GROUP	46280	\$150.00	\$0.00	\$150.00
057618	424	SPRINT PCS		\$0.00	\$95.51	\$95.51
057618	GRANT	SPRINT PCS		\$0.00	\$187.24	\$187.24
057618	712	SPRINT PCS		\$0.00	\$1,135.04	\$1,135.04
057619	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
057620	425	VALLEY HARDWARE COMPANY	46313	\$28.60	\$0.00	\$28.60
057621	ALLOC	JEFFERSON CO CONVENTION		\$0.00	\$28,850.04	\$28,850.04
057622	PAYROLL	VALIC, %CHASE BANK TEXAS		\$0.00	\$100.00	\$100.00
057623	405	WEST PAYMENT CENTER	46236	\$255.00	\$0.00	\$255.00
057624	700	WV STATE POLICE ACCT OFC	46174	\$35.50	\$0.00	\$35.50
057625	716	WV BOARD VETERINARY MED	46115	\$25.00	\$0.00	\$25.00
057626	424	WALMART BUSINESS		\$0.00	\$78.56	\$78.56
057626	716	WALMART BUSINESS		\$0.00	\$55.49	\$55.49
057627	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$133.20	\$133.20
057627	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$166.50	\$166.50
057628	401	WVNET		\$0.00	\$16.67	\$16.67
057629	413	HARRIET MONROE MILLER		\$0.00	\$125.00	\$125.00
057630	413	TIM COLLINS		\$0.00	\$125.00	\$125.00
057631	413	MARSHA GARDNER		\$0.00	\$125.00	\$125.00
057632	413	ANITA FLESHMAN		\$0.00	\$125.00	\$125.00
057633	413	WILLIAM MYERS		\$0.00	\$125.00	\$125.00
TOTALS				\$155,995.54	\$448,437.08	\$604,432.62

In re: LEGISLATIVE ISSUES

Commissioner Manuel discussed the MARC Train service.

In re: BONDING AND ACTIVITY REPORT

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Manuel to approve the complete release of an Irrevocable Letter of Credit in the amount of \$36,496.00 for Flowing Springs, LLC-Cambridge Manufactured Home Development, Section I, Phase 3, Lots 87-90, 111-114, 134-143 & Section IV, Phase I, Lots 74-75. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Manuel, second by R. Morgan to approve the partial release of an Irrevocable Letter of Credit in the amount of \$657,105.00 for Penn National Gaming, Inc. - The Inn at Charles Town with the County to retain \$51,540.00. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Corliss, second by Manuel to approve the partial release of an Irrevocable Letter of Credit in the amount of \$92,625.00 for The Woods at Wheatland Subdivision, Lots 1-7 & Residue with the County to retain \$152,111.00. Motion carried.

- RAI REQUEST FOR RELIEF FROM CONTINGENCY WITHHOLDING ON CONSTRUCTION BOND

Daniel Douridas, RAI Properties General Manager appeared before the Commission to request a bond reduction. After discussion, motion by Manuel, second by Corliss to approve a partial bond release for RAI Properties and for the County to retain \$15,000. Motion passed by a 4-1 vote. Commissioner F. Morgan voted no. For the record, Roger Goodwin, Chief County Engineer was present and made comments.

In re: EXONERATIONS

Upon the recommendation of the Assessor, the Commission approved the following exoneration due to erroneous assessment for the year 2008.

Motion by Manuel, second by R. Morgan to approve the following exoneration. Motion carried.

Name	District	Type	Amount	Ticket #
James D. & Tracey Zack	Charles Town	Real Estate	\$3,587.43	7502

In re: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION

Kirk Davis, Interim Planning Director appeared before the Commission to provide an update on the following:

- Preliminary Draft Resolution for fee change
- Berkeley County/Jefferson County Community Criminal Justice Meeting was cancelled
- Free Clinic - proposed new building
- Jefferson County Ambulance Authority bids
- Zoning Amendments

In re: APPROVAL OF PURCHASE ORDERS - CONTINUED

Motion by Manuel, second by R. Morgan to approve the following Purchase Orders for the Week of December 15, 2008, totaling \$18,410.23: 46361, 46363, 44442, 46151, 46155, 46156, 46480, 46481, 46384, 46387, 46370, 46362, 46364, 46368, 46371, 46436, 46170, 46171, 46172, 46173, 46367, 46340, 46365 and 45954. Motion carried.

In re: PUBLIC COMMENT

Pete Kelley and Mike Alvarez, Jefferson County Ambulance Authority appeared before the Commission to discuss changing the name of the organization.

By consensus, the Commission agreed to discuss this matter as an agenda appointment.

In re: CHANGE NAMES - JEFFERSON COUNTY AMBULANCE AUTHORITY

The Commission by unanimous consent authorized preparation of a Resolution changing the name of the Jefferson County Ambulance Authority to the Jefferson County Emergency Services Board.

In re: PUBLIC COMMENT - CONTINUED

Ed Burns appeared before the Commission to comment on the New Zoning Ordinance and to thank Commissioners Corliss and R. Morgan for the time they spent on the Commission.

In re: KELLIE BOLES - PURCHASE OF SMITH/PAYNE PROPERTY EASEMENT

Kellie Boles, Agriculture Development Officer appeared before the Commission to request approval of an easement for the Smith/Payne property. Motion by Manuel, second by R. Morgan to approve the easement for Smith/Payne property containing 53 acres pending approval of legal review and the Planning and Zoning Department. Motion carried.

Motion by F. Morgan, second by Manuel to approve the easement for Charles Mathias property containing 100 acres pending review by legal counsel and the Planning and Zoning Department. Motion carried.

In re: PAUL MARSHALL - PARKS AND RECREATION - REQUEST FOR RELEASE OF FUNDS FOR PARK LAND REQUISITION

Paul Marshall and Dan McVicar appeared before the Commission to request for release of funds for land acquisition. Motion by Manuel, second by R. Morgan to release funding from the Impact Fee fund in the amount of \$300,000 and to release up to \$300,000 from the park land acquisition fund to purchase a 119 acre parcel of land near Leetown to be used as park land. Motion carried. For the record, Tim Barr, Parks and Recreation Director, Jennifer Myers, Assistant Parks and Recreation Director, Bill Hoak, and Toni Milbourne Parks and Recreation Board members were present.

In re: HERB SNYDER - UPDATE ON MARC

Herb Snyder, Senator-elect, Tiffany Lawrence, Delegate-elect and Senator John Unger were present to give the Commission an update on the MARC Train service to the Eastern Panhandle and that the late train service will continue on the current schedule and that funding sources will be needed.

In re: RECONSIDER MOTION THAT EVERY COUNTY EMPLOYEE BE GIVEN A CHRISTMAS BONUS

Laura Rattenni, Circuit Clerk appeared before the Commission to request that the Commission reconsider the motion that every county employee be given a Christmas bonus excluding those employees who previously received a bonus this fiscal year.

Motion by Manuel, second by F. Morgan to reconsider the motion made on December 11, 2008 that every Jefferson County government employee be given a Christmas bonus in the amount of \$125.00 and amended by Corliss that every Jefferson County government employee be given a Christmas bonus in the amount of \$125.00 excluding those employees who previously received a bonus this fiscal year. Motion carried.

Motion by Manuel, second by F. Morgan that every Jefferson County government employee be given a Christmas bonus in the amount of \$125.00 excluding contracted employees. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

The Commission took a 15 minute break at 11:00 a.m.

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

Jennifer S. Maghan, County Clerk appeared before the Commission and informed the Commission that there was nothing to report at this time.

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

No action was taken on this agenda item.

In re: APPOINTMENTS TO THE JEFFERSON COUNTY AMBULANCE AUTHORITY

No action was taken on this agenda item.

In re: AGENDA FOR COUNCIL OF GOVERNMENTS MEETING

The Commission agreed to cancel the December Council of Governments Meeting due to the Christmas Holidays.

In re: DECISION ON UNEMPLOYMENT INSURANCE

Motion by Manuel, second by R. Morgan to continue with the process of self insurance for the purposes of unemployment insurance protection. Motion carried.

In re: CIVIL WAR PRESERVATION TRUST - REQUEST FOR PROPERTY TAX LIABILITY EXONERATION

Kathy Robertson, Civil War Preservation Trust appeared before the Commission requesting a property tax liability exoneration. After discussion, the Commission agreed to direct Stephanie Grove, Assistant Prosecuting Attorney to work with the Assessor and the Civil War Preservation Trust to explore granting release regarding the property tax liability. With objection by Commissioner Surkamp, motion by Manuel, second by R. Morgan to direct Stephanie Grove, Assistant Prosecuting Attorney to work with the Assessor and the Civil War Preservation Trust to explore granting release regarding the property tax liability. Motion passed by a 4-1 vote. Commissioner Surkamp voted no. For the record, Stephanie Grove, Assistant Prosecuting Attorney was present and made comments.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission and reported on the following:

- To Do List
- Water Advisory Committee - Well Head Monitoring Consultant
- Zoning - City of Paw Paw
- Jefferson County Ambulance Authority Name Change

Motion by Manuel, second by R. Morgan to approve the following Resolution: Motion carried.

RESOLUTION

WHEREAS by Ordinance dated September 7, 1995 the Jefferson County Commission created the Jefferson County Emergency Ambulance Service Authority pursuant to Chapter Seven, Article Fifteen, Section One, *et seq.* of the Code of West Virginia as amended, which statute is also known as the "Emergency Ambulance Service Act of 1975," and

WHEREAS in March, 2008 the Jefferson County Commission reformed the name of that agency to the Jefferson County Ambulance Authority to conform with common convention and practice, and

WHEREAS on November 13, 2008 pursuant to S.B. 224, Ch. 234, Acts Reg. Sess. (W.Va. 2008) the Jefferson County Commission adopted an ordinance to be effective 1m January 2,2009 creating the Jefferson County Emergency Services Agency and dissolving the Jefferson County Ambulance Authority, and

WHEREAS, it is necessary and desirable to change the name of the Jefferson County Ambulance Authority in the interim period before January 2, 2009 to facilitate the orderly transition of the agency's bank accounts, payroll, loans, licenses, tax accounts, commercial accounts and other business affairs,

NOW THEREFORE BE IT ENACTED AND ORDAINED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA AS FOLLOWS:

That the name of the Jefferson County Ambulance Authority be changed to the Jefferson County Emergency Services Agency for administrative purposes as: of this date.

Given under my hand this 18th day of December, 2008.

/s/ Frances B. Morgan
President, Jefferson County Commission

Commissioner F. Morgan requested that Ms. Grove review the oil and gas royalties Estate of Tawney v. Columbia Natural Resources.

Commissioner Surkamp requested that Ms. Grove review the PATH transmission line issue.

In re: EXECUTIVE SESSION

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to discuss the JUI case.

Motion by R. Morgan, second by Manuel to enter into Executive Session to discuss the JUI case. Motion carried.

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

Motion by R. Morgan, second by Corliss to approve funding up to \$2,500 for a CPA for the JUI case. Motion carried.

In re: RESCHEDULE PATH PUBLIC MEETING

The Commission agreed to place this item on the January 8th, 2009 meeting.

In re: APPOINTMENTS OF EXPIRING TERMS ON THE COMMUNITY CORRECTIONS BOARD

The Commission directed that County Administrator Leslie Smith make inquires on the appointments of expiring terms on the Community Corrections Board regarding the Sheriff and Prosecuting Attorney.

In re: REQUEST FOR USE OF COUNTY MEETING ROOM - JUNIOR ACHIEVEMENT PROGRAM

By unanimous consent, the Commission agreed to approve the request received from the Junior Achievement Program to use the County Meeting Room.

In re: PROPOSAL FOR ACTUARIAL VALUATION OF OPEB FOR WEST VIRGINIA COUNTIES

By unanimous consent, the Commission directed County Administrator Leslie Smith to look into the proposed actuarial valuation of OPEB for West Virginia Counties.

In re: EASTERN PANHANDLE FREE CLINIC - REQUEST TO PROCEED WITH DRAFTING OF CONTRACT FOR PROPOSED NEW BUILDING

This agenda item was discussed under the Bonding and Activity Report appointment.

In re: INDEPENDENT FIRE COMPANY - ANNUAL RECOGNITION BANQUET - JANUARY 10, 2009

Commissioner Surkamp agreed to attend the Annual Recognition Banquet on January 10, 2009 for the Independent Fire Company.

In re: COUNTY COMMISSION REPORTS

Commissioner Manuel reported on Santa's Toy Shop.

Commissioner Surkamp reported on the City of Charles Town Mixer he attended.

Commissioner Corliss commented that he has enjoyed working with the Commission the past 6 years.

Commissioner F. Morgan presented plaques to Commissioners Corliss and R. Morgan and thanked them for their 6 years of service.

In re: REVIEW/APPROVAL OF NEW JUDICIAL BUILDING PROPOSED CONSTRUCTION AND FINANCING AS PRESENTED BY CAPITAL MANAGEMENT AND PLANNING (GC)

Kirk Davis, Capital Projects Manager appeared before the Commission to give a report on the proposed new Judicial Building. Mr. Davis commented on construction and financing. After discussion, the Commission agreed to place this item on the agenda in January, 2009. For the record, Mark Schiavone, Director of Capital Planning Management was present and made comments.

In re: COUNTY ADMINISTRATOR UPDATE ON 2009 REVENUES AND UNENCUMBERED FUNDS (GC)

Leslie D. Smith, County Administrator appeared before the Commission and reported on the year to date revenues and expenditures.

In re: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator appeared before the Commission and commented on the Christmas and New Year holiday schedule. The Commission agreed to follow the Governor's decisions.

The Commission received the following information:

Reminder that County offices will be closed beginning at 12:00 Noon on December 24 - 25, 2008.

Reminder that County offices will be closed beginning at 12:00 Noon on December 31- January 1, 2009.

Reminder that the County Commission will not meet on December 25, 2008 and January 1, 2009.

Appointments to be made on Thursday, January 8, 2009 to the Jefferson County Emergency Services Agency Board.

Acceptance of bond for Gary L. Patrick/Avalanche Services in the amount of \$61,711.

Monthly Activity Report received from Animal Control.

Fall 2008 Newsletter received from the Development Authority.

Correspondence received from the Land Trust of the Eastern Panhandle concerning accreditation.

Correspondence received from the Division of Highways concerning signing for cyclists.

Correspondence received from John C. Skinner, Jr. concerning the Estate of Joseph P. Christian, Jr.

Fiscal Year 2008 audit received from the Jefferson County Public Service District.

Notice received from Loudoun County of a Comprehensive Plan Public Hearing on December 18, 2008.

Notice received from Governor Manchin declaring Wednesday, December 24, 2008, as a full day off for state employees.

E-911 fees received from Citizens.

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

Upon rising, the Commission recessed until Thursday morning January 8, 2009 beginning at 9:30 o'clock a.m.

Frances B. Morgan, Commission President