

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 Jefferson County Courthouse thereof on Thursday April 23, 2009 beginning at 9:30 o'clock a.m.

PRESENT: Dale Manuel; President;
James Surkamp, Lyn Widmyer,
Patsy Noland, Frances B. Morgan; Commissioners

IN RE: PLEDGE OF ALLEGIANCE
Commissioner Noland conducted the Pledge of Allegiance.

IN RE: APPROVAL OF MINUTES
Motion by Noland, second by Widmyer to dispense with the reading of the Minutes for the meeting held on Thursday, April 16, 2009 and to approve the Minutes as amended. Motion carried.
Motion by Surkamp, second by Noland to dispense with the reading of the Minutes for the Special Session held on the evening of Thursday, April 16, 2009 and to approve the Minutes as presented. Motion carried.
Motion by Morgan, second by Widmyer to dispense with the reading of the Minutes for the Special Session to Lay the Levy held on Tuesday, April 21, 2009 and to approve the Minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS
Motion by Surkamp, second by Noland to approve the following Purchase Orders for the week of April 23, 2009 totaling \$36,976.65: 46756, 46757, 46717, 46674, 46776, 46775, 46869, 47061, 46975, 46976, 46977, 46777, 46976, 46977, 46777, 46779, 46780, 46406, 46991, 46909, 46910, 46911, 46778, 46867 and 46978. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE
Motion by Morgan, second by Widmyer to approve the list of Accounts Payable for April 23, 2009 totaling \$36,221.75. Motion carried.

CK#	Dept	Vendor	PO#	PO Amt	Amt wo PO	CK Amt
058499	989	AMERICAN RED CROSS	45020	\$300.00	\$0.00	\$300.00
058500	712	BATTERY MART	46608	\$2,589.60	\$0.00	\$2,589.60
058501	716	PAULA BIVENS		\$0.00	\$382.13	\$382.13
058502	439	JENNIFER M. BROCKMAN		\$0.00	\$995.13	\$995.13
058503	716	CREAMERS AUTO SERVICE	46864	\$55.10	\$0.00	\$55.10
058504	700	C.A.R.S	46870	\$52.99	\$0.00	\$52.99
058505	406	DECISIONONE CORP	46703	\$96.60	\$0.00	\$96.60
058506	424	DAYCON	46861	\$119.10	\$0.00	\$119.10
058507	425	DEHAVEN SEVEN-UP CORP		\$0.00	\$39.50	\$39.50
058508	401	D I JACOBS CONSULTING		\$0.00	\$1,500.00	\$1,500.00
058509	425	J.C.EHRLICH	46862	\$120.00	\$0.00	\$120.00
058510	700	GALLS INCORPORATED	46453	\$1,168.22	\$0.00	\$1,168.22
058510	700	GALLS INCORPORATED	46453	\$82.98	\$0.00	\$82.98
058511	425	GRAINGER, INC	46865	\$398.70	\$0.00	\$398.70

058512	711	IDVILLE, INC	46736	\$79.45	\$0.00	\$79.45
058513	413	JEFF CO PUBLIC SER DEPT		\$0.00	\$27.62	\$27.62
058513	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$55.13	\$55.13
058514	700	THE JOURNAL	46446	\$493.95	\$0.00	\$493.95
058515	425	JEFFERSON RENTAL	46868	\$55.00	\$0.00	\$55.00
058516	433	KNOLL, INC.	42452	\$100.00	\$0.00	\$100.00
058517	712	LANGUAGE LINE SERVICES		\$0.00	\$157.95	\$157.95
058518	406	MARRIOTT INTERNATIONAL	46715	\$214.98	\$0.00	\$214.98
058519	700	MID-AMERICAN SPECIALTIES	46448	\$181.32	\$0.00	\$181.32
058520	716	NATIONAL ANIMAL CNRL ASS	46121	\$125.00	\$0.00	\$125.00
058520	716	NATIONAL ANIMAL CNRL ASS	46122	\$575.00	\$0.00	\$575.00
058521	700	ENHANCED PRINTING & PROM	46450	\$125.04	\$0.00	\$125.04
058522	439	ALLAN NEIMAYER		\$0.00	\$262.62	\$262.62
058523	402	PIFER OFFICE SUPPLY, INC	46686	\$7.55	\$0.00	\$7.55
058523	406	PIFER OFFICE SUPPLY, INC	46714	\$796.70	\$0.00	\$796.70
058524	712	POSITIVE PROMOTIONS, INC	46598	\$426.20	\$0.00	\$426.20
058525	425	RIDERSVILLE CYCLE	46863	\$290.00	\$0.00	\$290.00
058526	439	MICHAEL H. REYNOLDS		\$0.00	\$762.99	\$762.99
058527	424	SPRINT		\$0.00	\$95.84	\$95.84
058527	GRANT	SPRINT		\$0.00	\$110.27	\$110.27
058527	712	SPRINT		\$0.00	\$1,161.87	\$1,161.87
058528	700	DANA SAFETY SUPPLY INC.	46451	\$450.01	\$0.00	\$450.01
058529	439	JEFF TYNDALL		\$0.00	\$215.28	\$215.28
058530	424	US POSTAL SERVICE		\$0.00	\$20,000.00	\$20,000.00
058531	424	VALLEY HARDWARE	46580	\$44.52	\$0.00	\$44.52
058532	406	ASSOC OF WV ASSESSORS	46716	\$400.00	\$0.00	\$400.00
058533	716	WALMART BUSINESS		\$0.00	\$136.41	\$136.41
058534	412	WORD PROCESSING SERVICES	45019	\$522.00	\$0.00	\$522.00
058535	700	WV SIGNAL & LIGHT, INC.	46452	\$349.00	\$0.00	\$349.00
058536	412	WVEAFCS	46932	\$100.00	\$0.00	\$100.00
TOTAL				\$10,319.01	\$25,902.74	\$36,221.75

IN RE: PUBLIC COMMENT

Al Alsdorf appeared before the Commission to express his concerns with the County preserving historic tourism integrity and the proposed Welcome Center. Mr. Alsdorf provided the Commission with copies of his written comments.

Scot Faulkner appeared before the Commission and requested the Commission allow him to offer comments under agenda item: "Mark Dyck - William H. Gordon Associates - Proposed West Virginia Welcome Center." The Commission agreed by consensus to allow Mr. Faulkner to offer comments under the 10:45 a.m. appointment.

IN RE: BONDING AND ACTIVITY REPORT

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Morgan, second by Widmyer to approve the partial release of an Irrevocable Letter of Credit in the amount of \$55,801.70

for Flowing Springs, LLC – Cambridge Manufactured Home Development, Section 4, Phase 2, Lots 76-79 & 100-101 with the County to retain \$12,317.00. Motion carried.

Commissioner Widmyer requested that Mr. Goodwin approach the City of Charles Town Planner to request site plans for any properties adjacent to the County that may have storm water management issues. The Commission agreed by consensus to authorize Mr. Goodwin to contact the City of Charles Town Planner to acquire site plans for adjacent county properties that may have storm water management issues.

Mr. Goodwin reported on the upcoming meeting with the Developers and Engineers of Mission Ridge Subdivision.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on the proposed Legislative Special Session to be held to address table games legislation. The Commission agreed by consensus to place this matter on next week's agenda in order to discuss the table game legislation.

Commissioner Morgan reported on the County Commissioners Association Executive Board Committee meeting to be held on May 13, 2009 to address legislative relief for county jail fees.

Commissioner Manuel provided a status report on the County Clerk's fee bill. Commissioner Widmyer expressed concerns with potential effects of the County Clerk's fee bill to Jefferson County.

IN RE: DAN CONANT - LIGHT SWITCH ORGANIZATION - ENERGY PROJECT PROPOSAL

Dan Conant, Executive Director of the Light Switch Organization appeared before the Commission to present an energy project proposal.

Mr. Conant reported on the goals and objectives of the Light Switch Organization and implementation of a community needs project to teach Jefferson County residents energy efficiency techniques and requested Commission support to acquire a federal energy grant in support of the project.

Motion by Widmyer, second by Manuel to add the Light Switch Organization to the pool of grant applications for endorsement of a potential energy grant. Motion carried.

IN RE: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION

Leslie D. Smith, County Administrator reported that the new Planning Director would be beginning on May 26, 2009.

Commissioner Surkamp reported on his call with Michael Wiley concerning county bonding recommendations.

IN RE: DISCUSSION, REPORT OF FEDERAL STIMULUS FUNDS TO BE AVAILABLE TO JEFFERSON COUNTY

Leslie D. Smith, County Administrator reported on the JAG grant application submitted by Sheriff Shirley.

Ms. Smith reported on the energy management webinar and grant application status and other stimulus funding options currently being utilized.

Commissioner Widmyer requested that Ms. Smith draft a report detailing any grant applications submitted by county departments.

IN RE: JOE HANKINS - UPDATE ON MOUNTAIN COMMUNITIES WATER SYSTEM PROJECT AND PARTNERSHIP WITH JEFFERSON UTILITIES

Joe Hankins, Jefferson County Public Service District Chairman appeared before the Commission to provide an update on the Mountain Communities Water System Project and the proposed partnership with Jefferson Utilities Incorporated.

Mr. Hankins reported on the Infrastructure Council letter received and the status of the partnership pre-application filed with the Public Service Commission.

Mr. Hankins discussed preferred options available to the Public Service District to improve the

Mountain Communities Water System and reported on the economical aspects of the project.

Mr. Hankins reported on the Memorandum of Understanding between Jefferson Utilities, Incorporated and the Jefferson County Public Service District. Mr. Hankins reported on the Public Service District's responsibilities and rights being incorporated into the Memorandum of Understanding.

Sue Lawton, Jefferson County Public Service District General Manager was present for comments.

Commissioner Widmyer commended Mr. Hankins for his commitment and dedication to the Public Service District.

IN RE: PROBATE MATTER - ESTATE OF JOHN HENRY FABER - APPROVAL OF PETITION/ORDER TO REOPEN THE ESTATE

This matter was rescheduled for the week of April 30, 2009.

The Commission took a 10-minute break at 10:50 a.m.

IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT

- BANK OF CHARLES TOWN BOND AND LETTER OF CREDIT OF PUBLIC MONEYS IN THE AMOUNT OF \$3,500,000 IN ADDITION TO A BOND FOR \$11,500,000 EXPIRING ON JUNE 30, 2009 SECURED WITH TWO FHLB LETTERS OF CREDIT

Jennifer S. Maghan, County Clerk appeared before the Commission for approval of a Letter of Credit of Public Moneys in the amount of \$3,500,000.00 with the Bank of Charles Town in addition to a Bond for \$11,500,000.00 expiring on June 30, 2009 security with two FHLB letters of credit. Ms. Maghan reported on Ralph Lorenzetti, Prosecuting Attorney's review and approval of the bonds.

Motion by Manuel, second by Noland to approve the Bank of Charles Town Bond and Letter of Credit of Public Moneys in the amount of \$3,500,000 in addition to a Bond for \$11,500,000 expiring on June 30, 2009 secured with two FHLB Letters of Credit as presented by Jennifer S. Maghan, County Clerk. Motion carried.

IN RE: MARK DYCK - WILLIAM H. GORDON ASSOCIATES - PROPOSED WEST VIRGINIA WELCOME CENTER

Mark Dyck, Sr. Vice President/Director of William H. Gordon Associates appeared before the Commission for a report and presentation for the proposed West Virginia Welcome Center off Route 340 in Bolivar.

Mr. Dyck reported on the public meeting conducted to receive input from residents of Bolivar.

Mr. Dyck presented the Commission with a draft scope of the Route 340 Corridor Business Plan with property specifications and reported on the property site plan for the proposed Welcome Center.

Commissioner Widmyer expressed an interest in Mr. Dyck drafting a more comprehensive plan for Route 340 for Commission review and consideration.

Scot Faulkner was present for comments and reported on specifications of the property for the proposed Welcome Center with consideration to the adjacent National Park Service property.

Dick Latterall was present for comments.

IN RE: WATER ADVISORY COMMITTEE APPOINTMENT

No new information was presented.

IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Leslie D. Smith, County Administrator presented the Commission with copies of the weekly "to do list".

James Casimiro, Assistant Prosecuting Attorney was present for the weekly legal update and report.

Mr. Casimiro provided a status update for the pending Public Service Commission cases.

Mr. Casimiro reported on the Planning Commission's retention of private legal counsel to represent them in the Far Away Farms case.

IN RE: APPOINTMENTS TO THE PLANNING COMMISSION - SCHEDULE INTERVIEWS

Leslie D. Smith, County Administrator reported on the three vacancies to the Planning Commission.

Commissioner Widmyer discussed additional advertising alternatives to enhance public awareness of County Board and Commission vacancies.

The Commission agreed by consensus to authorize Ms. Smith to re advertise the vacancies for the Planning Commission and table this matter for two weeks.

IN RE: BUDGET ISSUES - CONSIDERATION OF FUNDING FOR NON-PROFIT ENTITIES. BEST/WORST PRACTICES WORKSHOP SCHEDULING.

Leslie D. Smith, County Administrator provided the Commission with a list of total county contributions in previous years.

The Commission agreed to table this matter for one week.

Commissioner Widmyer left the meeting at 11:50 a.m.

IN RE: UPDATE ON PROPOSED COMCAST CABLE FRANCHISE AGREEMENT AND REPORT ON PUBLIC HEARING HELD ON APRIL 16, 2009

Leslie D. Smith, County Administrator reported on the status of negotiations between the County and Comcast Cable.

Ms. Smith reminded the Commission of next week's hearing and reading of the Cable Franchise Ordinance.

IN RE: APPROVAL OF EMPLOYMENT - JENNIFER D. MAGGIO - ADMINISTRATIVE ASSISTANT/PUBLIC INFORMATION OFFICER/VOLUNTEER COORDINATOR - HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Motion by Surkamp, second by Noland to approve the employment of Jennifer D. Maggio as an Administrative Assistant/Public Information Officer/Volunteer Coordinator for the Jefferson County Office of Homeland Security and Emergency Management. Motion carried.

IN RE: APPROVAL OF EMPLOYMENT - JOSEPH LEE WELLMAN, SR. - PART-TIME BAILIFF

Motion by Morgan, second by Noland to approve the employment of Joseph Lee Wellman, Sr. as a part-time Bailiff for the Jefferson County Sheriff's Office. Motion carried.

IN RE: PROPOSED POLICY FOR APPOINTMENTS TO COUNTY BOARDS, AUTHORITIES, AGENCIES AND COMMISSIONS

The Commission agreed by consensus to table this matter for one week.

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator provided the Commission with copies of the weekly expenditure report.

With consideration to the new Planning Director's start date of May 26, 2009, Ms. Smith requested Commission direction for the Joint Planning Commission/County Commission meeting scheduled for May 19, 2009 at 7:00 p.m. The Commission agreed to conduct the meeting as planned.

Ms. Smith requested Commission approval to send an interoffice memorandum to all County Departments requesting that all inter departmental mail be sent through interoffice correspondence as opposed to the US Postal Service. The Commission agreed by consensus to authorize Ms. Smith to send an interoffice memorandum to all County Departments requesting that all inter departmental mail is sent

through interoffice correspondence as opposed to the US Postal Service

Ms. Smith reminded the Commission of Don Jacobs upcoming visit and provided a reminder of the Council of Governments meeting scheduled on April 29, 2009 at 5:00 p.m.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Noland reported on the Water Advisory Committee Water Summit she attended.

Commissioner Noland reported on the Special Session to Lay of the Levy held on Tuesday, April 21, 2009.

Commissioner Noland reported on the Public Hearing on the Zoning Ordinance vote held on Tuesday, April 21, 2009.

Commissioner Noland reported on the meeting she attended with the Architects for the proposed Judicial Center.

Commissioner Widmyer returned at 12:05 p.m.

Commissioner Widmyer reported on the Water Advisory Committee Water Summit she attended.

Commissioner Widmyer reported on the Descendants of John Brown Celebration Committee meeting.

Commissioner Widmyer reported on her participation at the Shepherdstown Library Book Fair.

Commissioner Manuel reported on his participation of the Development Authority Director interviews.

Commissioner Manuel reported on the Emergency Services Board meeting he attended.

Commissioner Surkamp reported on the Water Advisory Committee Water Summit he attended.

IN RE: TOPIC: RELATION OF CITY OF CHARLES TOWN ANNEXATION APPLICATION TO ROUTE 340 CORRIDOR PLAN

- **ON MONDAY, APRIL 27, THE CHARLES TOWN PLANNING COMMISSION IS HOLDING A PUBLIC HEARING ON AN ANNEXATION REQUEST ALONG ROUTE 340. ROUTE 340 IS JEFFERSON COUNTY'S "MAIN STREET." PLANNING FOR THIS IMPORTANT CORRIDOR IS ONE OF THE TOP PRIORITIES OF THE JEFFERSON COUNTY PLANNING COMMISSION.**
- **ANY ANNEXATION OF PROPERTY ALONG ROUTE 340 SHOULD AWAIT COMPLETION OF THE ROUTE 340 CORRIDOR STUDY WHICH WILL BE A COLLABORATIVE EFFORT THAT WILL INCLUDE THE MUNICIPALITIES OF CHARLES TOWN, RANSON, BOLIVAR AND HARPERS FERRY.**
- **THE APPLICATION FOR ANNEXATION DOES NOT INCLUDE A LANDSCAPING PLAN, A SIGNAGE PLAN OR A LAND USE PLAN.**
- **THE JEFFERSON COUNTY COMMISSION HAS BEEN VERY SUPPORTIVE OF THE CITY OF CHARLES TOWN'S EFFORT TO IMPROVE THE ENTRANCE INTO THE CITY AND HAS ENDORSED THEIR APPLICATIONS FOR FUNDING FOR "MAIN STREET" PROJECTS.**
- **I WOULD LIKE TO TESTIFY AT THE CHARLES TOWN PLANNING COMMISSION MEETING ON BEHALF OF THE COUNTY COMMISSION REQUESTING SUPPORT FOR OUR "MAIN STREET" PLAN OF ROUTE 340 AND TO DEFER ANNEXATIONS IN THIS IMPORTANT CORRIDOR UNTIL THE RT. 340 PLAN IS COMPLETED.**

Commissioner Widmyer reported on her meeting with the Planner from the City of Charles Town and expressed her concerns with deferring any annexations presented by the City of Charles Town until the Route 340 Corridor study is complete.

Commissioner Widmyer requested Commission support for her to provide testimony in front of the City of Charles Town Planning Commission opposing any Annexation request until the Route 340 Corridor study is complete.

The Commission opposed supporting Commissioner Widmyer but advised she in free to act of her own accord as a resident of Jefferson County.

The Commission recessed for lunch at 12:25 p.m. The Commission reconvened at 1:30 p.m.

Commissioner Widmyer was not present for the afternoon work sessions.

IN RE: COUNTY COMMISSION WORKSHOP - HUGH BEVANS - USGS WATER STUDY PRESENTATION

The Commission conducted a workshop with Hugh Bevans, USGS District Chief and Mark D. Kozar, USGS Hydrologist to discuss the USGS Water Study.

Mr. Kozar presented a power point presentation with an overview and introduction of the base flow survey and water study conducted by the USGS. Mr. Kozar reported on regional water investigations he conducted, base flow yield model development specifications, stream flow data and monitoring efforts.

Mr. Bevans discussed funding necessities in order to accurately complete the USGS water study and reported on funding alternatives available state wide.

Sue Lawton, Jefferson County Public Service District General Manager was present for comments.

IN RE: COUNTY COMMISSION WORKSHOP – KIRK DAVIS – JUDICIAL CENTER ARCHITECT

The Commission conducted a workshop with Kirk Davis, Capital Projects Manager and Thomas Potts, Architect with Silling Associates Incorporated to discuss specifications for the proposed Judicial Center.

Kirk Davis reported on the meeting conducted with Silling Associates Incorporated Architects on April 22, 2009 which included participation and input from Laura Rattenni, Circuit Clerk; Sheriff Shirley; Teresa Hendricks, Tax Deputy and David Sanders, Judge.

Mr. Potts provided a power point presentation outlining various architectural designs for the proposed Judicial Center. Mr. Potts provided a cost analysis for each design.

Motion by Morgan, second by Manuel to accept the 45,000 square foot schematic design as presented by Mr. Potts. Motion carried.

The Commission received the following information:

Reminder of Council of Governments Meeting on Wednesday, April 29, 2009, at 5:00 p.m.

Press release concerning the Jefferson County email subscription service.

Memorandum received from the Department of Capital Planning and Management concerning a correction on the Non-Profit Entities for FY 2010 Requests.

Correspondence received from Bob O'Connor concerning The Anvil Play schedule during the 2009 Charles Town Heritage Festival.

Correspondence received from the NAACP concerning the schedule for forums and debates about John Brown's raid.

News release received from AHA concerning grant awards.

Copy received from David C. Tabb of a request to Circuit Court to schedule a status hearing.

Memorandum received concerning the FY2010 budget.

Correspondence received from Senator Herb Snyder concerning PATH.

Correspondence received from Senator Robert C. Byrd concerning PATH.

News release received from Allegheny Energy concerning PATH.

Meeting agenda and minutes received from the Jefferson County Board of Health.

Correspondence received from Allegheny Mountain House Inc. concerning a budget request.

Phone call received from Dr. Bob Johnson concerning Comcast.

E-911 fees received from CTC of West Virginia.

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

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

DALE MANUEL, COMMISSION PRESIDENT