

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, September 13, 2007 beginning at 9:30 o'clock a.m.

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

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

IN RE: APPROVAL OF MINUTES
Motion by Corliss, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, September 6, 2007 and to approve the Minutes as presented. 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 September 13, 2007 totaling \$134,095.54: 44603, 43374, 44469, 44470, 44471, 44632, 44113, 44598, 44599, 44600, 44607, 44608, 44155, 44200, 44201, 44203, 44204, 44205, 44597, 44601, 44604, 44606, 44504, 44505 and 44154. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE
Motion by Corliss, second by Manuel to approve the list of Accounts Payable totaling \$88,436.24 dated September 13, 2007 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

Chk#	Dept	Vendor	PO#	PO Amt	W/O PO	Check Amt
053584	Payroll	AMERICAN FAMILY LIFE ICU		\$0.00	\$1,819.49	\$1,819.49
053585	Payroll	AMERICAN FAMILY LIFE ICU		\$0.00	\$3,576.86	\$3,576.86
053586	424	AT&T		\$0.00	\$0.60	\$0.60
053587	712	ARCH WIRELESS		\$0.00	\$414.54	\$414.54
053588	440	ICC	44150	\$149.45	\$0.00	\$149.45
053589	424	BOLAND SERVICES	43758	\$385.00	\$0.00	\$385.00
053589	424	BOLAND SERVICES	43758	\$385.00	\$0.00	\$385.00
053589	425	BOLAND SERVICES	43473	\$593.00	\$0.00	\$593.00
053589	425	BOLAND SERVICES	43473	\$593.00	\$0.00	\$593.00
053590	425	CHARLES TOWN LOCK AND KE	44584	\$7.50	\$0.00	\$7.50
053591	700	COUNTRY ROADS TIRE & AUT	44577	\$1,817.61	\$0.00	\$1,817.61
053592	406	*CREAMERS AUTO SERVICE	44588	\$33.92	\$0.00	\$33.92
053592	424	*CREAMERS AUTO SERVICE	44589	\$79.07	\$0.00	\$79.07
053592	440	*CREAMERS AUTO SERVICE	44587	\$70.70	\$0.00	\$70.70
053593	402	CANAAN VALLEY RESORT PAR	44468	\$106.20	\$0.00	\$106.20
053594	405	CLAYMAN & ASSOCIATES PLL	44642	\$5,900.00	\$0.00	\$5,900.00
053595	440	MASON CARTER		\$0.00	\$40.81	\$40.81
053596	403	DAYTON LEGAL BLANK	44478	\$145.55	\$0.00	\$145.55
053597	700	DIAMOND AUTO GLASS	44585	\$222.64	\$0.00	\$222.64
053598	425	DAYCON	44582	\$426.39	\$0.00	\$426.39
053599	412	SHANNA D. NICODEMUS		\$0.00	\$21.16	\$21.16
053599	412	SHANNA D. NICODEMUS		\$0.00	\$203.22	\$203.22

053600	424	J.C.EHRLICH		\$0.00	\$29.00	\$29.00
053600	425	J.C.EHRLICH		\$0.00	\$330.00	\$330.00
053601	415	GENERAL COUNTY FUND-J FE		\$0.00	\$25,624.50	\$25,624.50
053602	425	GRAINGER, INC	44581	\$239.66	\$0.00	\$239.66
053603	440	ROGER GOODWIN		\$0.00	\$49.91	\$49.91
053604	711	INTERNATIONAL ASSOCIATIO	42501	\$170.00	\$0.00	\$170.00
053605	439	JEFFERSON PUBLISH CO INC	44146	\$142.76	\$0.00	\$142.76
053606	425	JEFFERSON COUNTY SOLID	44583	\$29.23	\$0.00	\$29.23
053607	425	JEFFERSON RENTAL	44576	\$77.00	\$0.00	\$77.00
053608	425	JEFFERSON UTILITIES INC		\$0.00	\$63.00	\$63.00
053609	439	KENDIG KEAST		\$0.00	\$317.05	\$317.05
053610	712	LANGUAGE LINE SERVICES		\$0.00	\$111.91	\$111.91
053611	700	MCKINNEY'S AUTO REPAIR	44590	\$605.18	\$0.00	\$605.18
053612	424	MCI		\$0.00	\$1,108.15	\$1,108.15
053613	405	NATL LEGAL RESEARCH	44636	\$496.13	\$0.00	\$496.13
053614	402	PIFER OFFICE SUPPLY, INC	44261	\$443.75	\$0.00	\$443.75
053614	402	PIFER OFFICE SUPPLY, INC	44405	\$77.58	\$0.00	\$77.58
053614	402	PIFER OFFICE SUPPLY, INC	44454	\$309.72	\$0.00	\$309.72
053614	403	PIFER OFFICE SUPPLY, INC	44481	\$64.43	\$0.00	\$64.43
053614	404	PIFER OFFICE SUPPLY, INC	44502	\$101.13	\$0.00	\$101.13
053614	406	PIFER OFFICE SUPPLY, INC	44406	\$519.90	\$0.00	\$519.90
053615	424	REID'S ELEVATOR SERVICE	44312	\$200.50	\$0.00	\$200.50
053616	401	ROBERT R. RODECKER		\$0.00	\$463.75	\$463.75
053617	401	SHEPHERDSTOWN LIBRARY		\$0.00	\$1,000.00	\$1,000.00
053618	401	SOFTWARE SYSTEMS, INC		\$0.00	\$2,176.48	\$2,176.48
053618	402	SOFTWARE SYSTEMS, INC		\$0.00	\$2,425.25	\$2,425.25
053618	403	SOFTWARE SYSTEMS, INC		\$0.00	\$366.00	\$366.00
053618	404	SOFTWARE SYSTEMS, INC		\$0.00	\$843.00	\$843.00
053618	700	SOFTWARE SYSTEMS, INC		\$0.00	\$1,681.18	\$1,681.18
053618	711	SOFTWARE SYSTEMS, INC		\$0.00	\$1,704.37	\$1,704.37
053619	405	SPECIALTY BUS SUPPLIES	44640	\$117.90	\$0.00	\$117.90
053620	430	STAPLES CREDIT PLAN	43696	\$229.41	\$0.00	\$229.41
053620	711	STAPLES CREDIT PLAN	43697	\$73.46	\$0.00	\$73.46
053620	401	STAPLES CREDIT PLAN		\$0.00	\$122.90	\$122.90
053620	402	STAPLES CREDIT PLAN		\$0.00	\$149.25	\$149.25
053620	405	STAPLES CREDIT PLAN		\$0.00	\$53.19	\$53.19
053620	412	STAPLES CREDIT PLAN		\$0.00	\$572.98	\$572.98
053620	422	STAPLES CREDIT PLAN		\$0.00	\$139.98	\$139.98
053620	424	STAPLES CREDIT PLAN		\$0.00	\$35.99	\$35.99
053620	700	STAPLES CREDIT PLAN		\$0.00	\$1,069.70	\$1,069.70
053620	712	STAPLES CREDIT PLAN		\$0.00	\$1,458.06	\$1,458.06
053621	406	SHEETZ FLEET FUELING		\$0.00	\$431.36	\$431.36
053621	424	SHEETZ FLEET FUELING		\$0.00	\$1,155.16	\$1,155.16
053621	430	SHEETZ FLEET FUELING		\$0.00	\$107.74	\$107.74
053621	440	SHEETZ FLEET FUELING		\$0.00	\$558.27	\$558.27
053621	700	SHEETZ FLEET FUELING		\$0.00	\$8,158.73	\$8,158.73

053621	711	SHEETZ FLEET FUELING		\$0.00	\$66.00	\$66.00
053621	712	SHEETZ FLEET FUELING		\$0.00	\$314.45	\$314.45
053621	716	SHEETZ FLEET FUELING		\$0.00	\$647.72	\$647.72
053622	425	SHENANDOAH VALLEY WATER		\$0.00	\$550.82	\$550.82
053623	424	SHANNON BUSINESS SYSTEMS	44580	\$155.16	\$0.00	\$155.16
053624	404	PAUL D.SHROYER	44503	\$4,000.00	\$0.00	\$4,000.00
053625	439	SHEPHERDS RETREAT, LLC		\$0.00	\$5,860.00	\$5,860.00
053626	424	HAGEMEYER NORTH AMERICA	44338	\$67.52	\$0.00	\$67.52
053627	711	US CELLULAR		\$0.00	\$47.69	\$47.69
053628	402	UNITED SYSTEMS & SOFTWARE		\$0.00	\$184.00	\$184.00
053628	403	UNITED SYSTEMS & SOFTWARE		\$0.00	\$157.00	\$157.00
053629	424	UNITED RENTAL AERIAL EQP	44578	\$106.02	\$0.00	\$106.02
053630	700	VITAL SIGNS	44586	\$250.00	\$0.00	\$250.00
053631	405	WEST PAYMENT CENTER	44641	\$1,938.25	\$0.00	\$1,938.25
053632	401	WVNET		\$0.00	\$16.67	\$16.67
053633	402	XEROX CORPORATION	44466	\$274.10	\$0.00	\$274.10
053633	402	XEROX CORPORATION	44467	\$223.15	\$0.00	\$223.15
053634	412	CRAIG W YOHN		\$0.00	\$381.38	\$381.38
TOTAL				\$21,826.97	\$66,609.27	\$88,436.24

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$3,779.80
402/CCLK	CO. CLERK	\$4,193.00
403/CIR CLK	CIRCUIT CLERK	\$732.98
404/TAX	TAX OFFICE	\$4,944.13
405/PA	PROS ATTY	\$8,505.47
406/ASSR	ASSESSORS	\$985.18
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$1,178.74
413/ELE	ELECTION	
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	\$25,624.50
422/IMPACT	IMPACT FEE OPERATIONAL DEPT	\$139.98
424/CTHS	COURT HOUSE	\$3,707.17
425/OB	OTHER BUILDING	\$2,909.60
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	\$337.15
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	
439/PZ	PLANNING ZONING	\$6,319.81
440/ENG.	DEPT OF ENGINEERING	\$869.14
451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$13,805.04
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$2,061.52
712/911	911 COMMUNICATION	\$2,298.96
716/A/C	ANIMAL CONTROL	\$647.72
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
900/PARK&REC	JEFFERSON CO. PARKS& REX	

916/LIBRARY	LIBRARY CAPITAL OUTLAY	
966/CAP/AA	AMBULANCE AUTH CAP OUTLAY	
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	
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	
998/PRK/REC	PARKS & REC COMMUNITY CENTER	
PAYROLL	PAYROLL	\$5,396.35
TOTALS		\$88,436.24

IN RE: BONDING AND ACTIVITY REPORT

- SPRUCE HILL BONDING

- SPRUCE HILL BONDING - REQUEST FOR SPECIAL ACCOMMODATION AS TO TIMING

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 \$37,391.00 for Beallair Subdivision, Phase I, Lots 1-49 and Residue A-E with the County to retain \$806,617.00. Motion carried.

Mr. Goodwin provided the Commission with a status report on Spruce Hill Subdivision as a result of his site visit on September 12, 2007. Mike Cassell, Esquire, Counsel for Spruce Hill Subdivision was present for comments. The Commission expressed interest in acquiring comments from the Spruce Hill Subdivision Home Owners Association prior to taking action on the bonding.

Motion by Manuel, second by Surkamp to postpone action for Spruce Hill bonding for one week to allow comments and/or suggestions from members of the Spruce Hill Home Owners Association. Motion carried.

The Commission directed that the Spruce Hill matter be heard at 9:40 a.m. on September 20, 2007.

IN RE: PUBLIC COMMENT

Doug Horrocks from the Mountain Water System Committee appeared before the Commission to present them a draft letter from the Mountain Water System Committee to Dunn Engineering specifying Roger Goodwin as point of contact for the Mountain Water System Engineering Project.

The Commission agreed by unanimous consent to authorize Roger Goodwin as the point of contact with Dunn Engineering for the Mountain Water System Engineering project and to reword the draft letter presented by Mr. Horrocks to be sent to Dunn Engineering.

Dick Latteral appeared before the Commission to commend Commissioners on their attendance and involvement during the recent Legislative Interim Sessions. Mr. Latteral also expressed discord for county operations pertaining to annexation by petition procedures.

Alice Chakmakian appeared before the Commission on behalf of Jefferson Utilities to request a copy of the letter to Dunn Engineering be sent to Jefferson Utilities.

IN RE: APPOINTMENT OF ALTERNATE MEMBER TO THE BOARD OF ZONING APPEALS

No action was taken on this agenda item.

IN RE: APPOINTMENT TO THE JEFFERSON COUNTY BOARD OF HEALTH

No action was taken on this agenda item.

IN RE: LEGISLATIVE ISSUES

Commissioner Manuel reported on the following meetings he attended: The Legislative Interim Sessions; the House Judiciary Committee meetings, and the Oversight meetings regarding Regional Jail fees and his discussions with Patty Hamilton.

Commissioner R. Morgan expressed his concerns with the Legislative Interim Sessions with regard to Annexation. Commissioner Corliss recommended sending a letter to House/Senate leaders expressing concerns with issues not thoroughly addressed during the recent interim session and request that additional meetings be scheduled to discuss topics of annexation further.

Motion by Corliss, second by R. Morgan authorizing Assistant Prosecuting Attorney Brandon Sims to draft a letter to Delegates for Commission review highlighting issues of concern and request additional meetings with House and Senate members. Motion carried.

IN RE: MARK SCHIAVONE - PERSONNEL ISSUES

Mark Schiavone, Impact Fee and Capital Planning & Management Coordinator appeared before the Commission with a personnel request and to clarify the reasoning for his previous budget revision on August 23, 2007. In the interest of equity and fairness, Mr. Schiavone requested that the Commission reduce his yearly salary by \$2,500.00 to compensate the salary increase to his Administrative Assistant.

Motion by Surkamp, second by R. Morgan to support Mr. Schiavone's request and decrease his yearly salary in the amount of \$2,500.00 effective immediately. Motion failed by a 2-3 vote; Commissioners F. Morgan, Manuel and Corliss voted no.

IN RE: PATSY NOLAND - CLARIFICATION OF FEES CHARGED BY SSI

Patsy Noland, Circuit Clerk appeared before the Commission to provide clarification of fees imposed for computer services provided by SSI strictly for her office. Ms. Noland provided the Commission with an outline of expenditures by Software Systems Incorporated and reiterated the need for SSI to maintain adequate technological services necessary for operations in the Circuit Clerk's office.

IN RE: ROBERT BURCH - STORM WATER MANAGEMENT AT BURCH MANOR SUBDIVISION

Robert Burch appeared before the Commission to request and update on the construction of the storm water management system at Burch Manor Subdivision.

Kirk Davis, Capital Projects Manager appeared before the Commission and provided an update on the Storm Water Management System at Burch Manor. Roger Goodwin, Chief County Engineer was present for comments and provided a status report on the construction and administrative procedures for Burch Manor Subdivision.

THE COMMISSION TOOK A 10-MINUTE BREAK AT 10:50 A.M.

IN RE: APPROVAL OF CHANGE ORDER #003 - JAIL PROJECT

Kirk Davis, Capital Projects Manager appeared before the Commission and reported on the specifications for Change Order #003 from Rockwell Construction. Mr. Davis provided a status report on the Jail and Communications Center projects.

Motion by Manuel, second by Corliss to approve Change Order #003 for the Jail Project as presented by Kirk Davis. Motion carried.

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

Jennifer S. Maghan appeared before the Commission for the weekly County Clerk's Report. Ms. Maghan presented the Commission with a two million dollar temporary letter of credit from the Bank of Charles Town to cover deposits of County Impact Fees for review and consideration.

Upon the recommendation of Jennifer S. Maghan, County Clerk, motion by R. Morgan, second by Manuel to approve the Bank of Charles Town temporary letter of credit in the amount of two million dollar to cover County Impact Fees. Motion carried.

IN RE: KENDIG KEAST UPDATE/ORDINANCE REWRITE DISCUSSION

Commissioner Surkamp reported on Tony Redman's intentions to coordinate a meeting in the near future with Planning Commission members and Department of Planning personnel to review and discuss current revisions to the Subdivision and Zoning Ordinance draft.

IN RE: BUDGET REVISION - AIMED AT EQUALIZING THE CURRENT SALARY INEQUITIES IN THE 2007-2008 BUDGET

Motion by Manuel, second by F. Morgan that the 2007-2008 budget be amended to provide that every individual employee receive a minimum pay raise of six and one-half percent and further said motion has no impact on previously approved pay raises greater than the six and one-half percent minimum.

Leslie D. Smith, County Administrator provided the Commission with a report detailing the amounts necessary for the budget revision as requested. Ms. Smith further provided the Commission with a transcript of actions taken during budget deliberation in April 2007.

Commissioner Manuel stressed the need for equity among county employees with regard to the recent salary increase.

The Commission requested a wage study be conducted prior to authorizing any additional pay raises.

After discussion of Commissioner Manuel's original motion, seconded by F. Morgan that the 2007-2008 budget be amended to provide that every individual employee receive a minimum pay raise of six and one-half percent and further said motion has no impact on previously approved pay raises greater than the six and one-half percent minimum failed by a 1-4 vote. Commissioner's F. Morgan, R. Morgan, Corliss and Surkamp voted no.

IN RE: DAVID HAMMER - REIMBURSEMENT OF LEGAL FEES FOR REPRESENTATION OF TODD BALDAU

David Hammer, Esquire, Counsel for Todd Baldau appeared before the Commission to request reimbursement of legal fees accrued during representation of Mr. Baldau. Mr. Hammer provided the Commission with a detailed report of all expenses related to Mr. Baldau's defense.

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for comments and a presentation of a letter received from Mr. Hammer on September 10, 2007 outlining all fees. Ms. Sims provided the Commission an outline of all fees presented by Mr. Hammer and recommended the Commission decline partial payment of fees reporting that several fees were not a result of Mr. Baldau's defense.

Motion by Surkamp to grant payment of all legal fees to Mr. Hammer as presented. Motion died due to lack of a second.

Motion by Manuel, second by R. Morgan to enter into Executive Session to discuss this matter further. Motion carried.

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

Motion by F. Morgan, second by Corliss to authorize payment of \$41,083.63 to Mr. Hammer contingent upon Mr. Hammer seeking to recoup the expenses. Motion carried.

The Commission agreed by unanimous consent that Commission President Frances Morgan affix her signature upon the Far Away Farms certified documents.

IN RE: BRANDON SIMS - LEGAL UPDATE AND REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for the legal update and report. Ms. Sims reported on the progress of the Joint Emergency Services Authority.

IN RE: REQUEST FOR LEGAL REVIEW: IN THE SUMMER, 2006, SOFTWARE SYSTEMS INC. PURCHASED OVER \$15,000 IN CAMERA EQUIPMENT AND SUBSEQUENTLY BILLED THE COUNTY WELL OVER \$30,000 IN SUBSEQUENT "CONTRACTUAL SERVICES." WEST VIRGINIA CODE 5A-3-10(A) AND (B) STATES: "...A PURCHASE OF AND CONTRACT FOR COMMODITIES, PRINTING AND SERVICES SHALL BE BASED, WHENEVER POSSIBLE, ON COMPETITIVE BIDS. "STATE GOVERNMENT REQUIRES COMPETITIVE BID ON EQUIPMENT IN EXCESS OF \$15,000 AND SERVICES IN EXCESS OF \$25,000." THERE WAS NO COMPETITIVE BID SOUGHT BY OUR COUNTY ADMINISTRATOR FOR THE PURCHASE OF CAMERAS. SSI PRIMARY BUSINESS IS

MAIN FRAME COMPUTERS. IT ALSO PROVIDES SUPPORT FOR PCs AND NOW CAMERAS. IF THE COUNTY HAS RULES GOVERNING COMPETITIVE BIDDING REQUIREMENTS LIKE THE STATE'S, SSI DOES NOT QUALIFY AS A "SOLE SOURCE" ENTITLED TO EXEMPTION BECAUSE THE CAMERAS COULD HAVE BEEN PROVIDED BY ANY COMPANY AND THEY DID NOT HAVE TO BE TIED INTO THE EXISTING SERVER. SINCE SSI MERELY BOUGHT EQUIPMENT IT FOUND ON THE WEB, (SSI INCLUDES WITH THEIR INVOICE XEROXES OF A WEB SITE EQUIPMENT AD, SHOWING THEY WERE ALSO NOT THE MANUFACTURER OF THE CAMERAS)
Leslie D. Smith, County Administrator reported on the history of SSI expenditures.

Commissioner Surkamp expressed concerns with the lack of competitive bidding for computer services. Ms. Smith reported on quotes received from various vendors and reported on competitive bidding policies and procedures of Jefferson County government.

Motion by Manuel, second by F. Morgan to take no further action on this agenda item. Motion carried.

IN RE: COUNTY POLICY ON COMPETITIVE BIDDING NEW WORDING FOR CARRY-OVER ITEM "NEW NO. 15"

Commissioner Surkamp withdrew this agenda item.

IN RE: REQUEST FOR LEGAL REVIEW: SOFTWARE SYSTEMS, ON SEVERAL OCCASIONS IN 2006, MADE SERVICE VISITS ON THE SAME DATE TO BOTH BERKELEY COUNTY AND JEFFERSON COUNTY TO SERVICE COMPUTERS. A REVIEW OF INVOICES FOR JEFFERSON COUNTY SHOWS FULL BILLING TO US, AT LEAST, FOR THE MILEAGE FOR A ROUND TRIP TO AND FROM MORGANTOWN WHERE SSI IS BASED

Commissioner Surkamp withdrew this agenda item.

IN RE: HIRING INDEPENDENT LEGAL COUNSEL

Commissioner Surkamp withdrew this agenda item.

IN RE: RESOLUTION FOR TODD BALDAU

The Commission agreed by consensus to take no action on this matter.

IN RE: SHEPHERDSTOWN BATTLEFIELD

Commissioner Surkamp reported on a recent press release from Senator Robert C. Byrd requesting a National Park Service Study for the Battle of Shepherdstown.

Ed Dunleavy was present for comments and reported on actions taken at the Senate level on behalf of Shepherdstown Battlefield and requested the Commission consider appropriating funds for Shepherdstown Battlefield Preservation.

Motion by Manuel, second by Corliss to conduct a public hearing to receive comment and input from the public regarding funding for the Shepherdstown Battlefield Preservation.

Motion by R. Morgan, second by F. Morgan to table this matter for 2 weeks before considering any appropriation. Motion carried. The original motion by Commissioner Manuel was tabled for two weeks.

IN RE: REQUEST FOR COUNTY COMMISSION INVOLVEMENT IN THE BAKERTON FIRE DEPARTMENT TEFRA HEARING AND PROPOSAL

Motion by Manuel, second by F. Morgan to approve the documents presented by Bakerton Fire Department in support of TEFRA contingent upon legal review and approval. Motion carried.

THE COMMISSION RECESSED FOR LUNCH AT 12:15 P.M. THE COMMISSION RECONVENED AT 1:30 P.M.

IN RE: COUNTY COMMISSION WORKSHOP - EMERGENCY MANAGEMENT AND HOMELAND SECURITY

Barbara Miller, Jefferson County Office Emergency Management and Homeland Security appeared before the Commission for a workshop to provide an overview of Emergency Management and Homeland Security volunteers.

Ms. Miller provided the Commission with a comprehensive report of the responsibilities, training requirements and performance expectations of Forestry 19, Tanker 19, Amateur Radio, Storm Spotter,

CERT and Committee volunteers for the Jefferson County Office of Emergency Management and Homeland Security. Ms. Miller reported on the location of a constructed facility to house Tanker 19 and reported on the availability of driver training for tanker operations.

The Commission discussed with Ms. Miller the availability of volunteers in the event of an emergency or disastrous situation. Ms. Miller reported on the number of CERT volunteers currently certified and reported on the upcoming CERT classes being coordinated as well as implementation of a CERT Level 2 module. Ms. Miller also requested the Commission consider authorizing background checks for all CERT participants.

Commissioner Surkamp discussed acquiring information from COMCAST in the interest of obtaining an Emergency Information Channel for cable subscribers.

IN RE: INCLUDING CONFIDENTIALITY NON-DISCLOSURE AGREEMENTS IN SSI MAINTENANCE CONTRACTS

The Commission agreed by consensus to table this matter until next week in order to confer with legal counsel further.

IN RE: RESOLUTION FOR TODD BALDAU – CONTINUED

Upon further consideration the Commission agreed to delay action on this agenda item.

IN RE: TRANSMISSION CORRIDOR PROJECT - NCTC AND ANTIETAM NATIONAL BATTLEFIELD IMPACT

Commissioner Surkamp reported on a previous press release detailing the Transmission Corridor project through the northern part of the County around NCTC in Shepherdstown. Mr. Surkamp requested the Commission consider hosting a workshop with NCTC officials to discuss the impact of the transmission corridor.

The Commission agreed by consensus to schedule a workshop and invite NCTC officials to discuss this matter further.

IN RE: DISCUSS WITH THE DIRECTOR OF IMPACT FEES THE POSSIBILITY OF A DELAY OF SCHOOL IMPACT FEES FOR THE ELDERLY THAT WISH TO BUILD A RETIREMENT HOME

Commissioner R. Morgan requested Mark Schiavone draft a report for Commission review detailing options available for deferring School Impact Fees for the elderly.

Mark Schiavone, Impact Fee and Capital Planning and Management Coordinator appeared before the Commission and reported on the potential options available for deferring School Impact Fees to the elderly to include implementation of levys, loans or deferred payment plans. Mr. Schiavone reported on current exemptions to the School Impact Fees implemented within the School Impact Fee Ordinance.

The Commission agreed by consensus that Mr. Schiavone coordinate a meeting with legal counsel to further explore this issue.

IN RE: SCHEDULED RECALCULATION OF LAW ENFORCEMENT, PARKS & RECREATION AND FIRE & EMS IMPACT FEES

Mark Schiavone, Impact Fee and Capital Planning and Management Coordinator appeared before the Commission and reported on the recalculation procedures of Law Enforcement, Parks & Recreation and Fire & EMS Impact fees.

The Commission agreed by consensus to authorize Mark Schiavone, Impact Fee and Capital Planning and Management Coordinator to recalculate Law Enforcement, Parks & Recreation and Fire & EMS Impact fees for Commission review.

IN RE: SCHOOL IMPACT FEE BONDING

Mark Schiavone, Impact Fee and Capital Planning and Management Coordinator appeared before the Commission and reported on his meeting with Board of Education Treasurer, Ms. Marrone with regard to School Impact Fee bonding.

IN RE: DETERMINE NEXT MEETING DATE FOR CAPITAL PROJECTS COORDINATING COMMITTEE

Mark Schiavone, Impact Fee and Capital Planning and Management Coordinator appeared before the Commission and reported on the objectives and strategies of the Capital Projects Coordinating Committee and requested the Commission schedule a date and time for the next meeting.

The Commission agreed by consensus to schedule the next Capital Projects Coordinating Committee meeting for Thursday, October 11, 2007 at 1:30 p.m.

IN RE: WEBCASTS

With respect to comments and concerns received from citizens, Commissioner Surkamp inquired as to the level of bandwidth availability supporting the Jefferson County web casts.

Leslie D. Smith, County Administrator reported on bandwidth availability for the Jefferson County web casts and discussed the obstacles due to demand.

Ms. Smith reported on the availability of bursting service to enhance bandwidth or the option of purchasing additional bandwidth.

The Commission agreed by consensus that Leslie D. Smith, County Administrator acquire expenditures for bursting and/or additional bandwidth and report the cost back to the Commission.

IN RE: IDENTIFICATION OF WHO PROPOSED THE AGENDA ITEM FOR DISCUSSION

Motion by Corliss, second by Surkamp to implement a policy that will identify the person or agency submitting agenda items for discussion.

Motion by R. Morgan, second by F. Morgan to implement a policy that will specify the identity of a Commissioner requesting an agenda item for discussion. Motion carried by a 4-1 vote; Commissioner Corliss voted no.

No action was taken on the original motion.

IN RE: PROCEDURES FOR COUNTY COMMISSION PRE APPROVAL OF PROPOSED AGENDA ITEMS

Commissioner Corliss proposed adopting a policy requiring pre-approval of agenda items requested by a County Commissioner.

Motion by Corliss, second by Manuel to authorize pre approval of agenda items requested by a County Commissioner one week in advance. Motion failed by a 2-3 vote; Commissioners F. Morgan, R. Morgan and Surkamp voted no.

IN RE: DESIGNATE A SINGLE POINT OF CONTACT WITHIN THE TRIBAL/LOCAL JURISDICTION TO SERVE AS THE PRINCIPAL COORDINATOR FOR NIMS IMPLEMENTATION

Motion by Manuel, second by Corliss to designate Barbara Miller as the single point of contact within the Tribal/Local Jurisdiction and to serve as the Principal Coordinator for NIMS Implementation. Motion carried.

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator appeared before the Commission provide clarification of previous agenda items posted by Commissioner Surkamp and to discuss her concerns with recent allegations.

Ms. Smith reported that as a result of Commissioner Surkamp's allegations of a \$38,000.00 discrepancy within the Video Lottery fund she has contacted Sheriff Ed Boober and Prosecuting Attorney Michael Thompson to request an investigation into the matter. Ms. Smith further outlined all materials she provided Sheriff Boober and Mr. Thompson to assist with the investigation.

As a result of Commissioner Surkamp's inquiry, Ms. Smith reported on the letters that were signed by Commission President Frances Morgan and sent to all HR applicants. Ms. Smith further advised the Commission that if any one of them was familiar with an applicant that did not receive a letter to provide her the name and she would ensure the applicant would receive a letter.

As a result of the Commission's request to implement a performance evaluation for Jefferson County employees, Ms. Smith reported on the draft evaluation form provided on September 6, 2007.

Ms. Smith reported on the status of the non-disclosure agreement currently under legal review.

Ms. Smith reported on the status of the Mountain Water System project, the documents she has received with regard to the Mountain Water System project and the date she received them.

Ms. Smith further discussed accusations being made against her by public officials and asked that comments or concerns be brought to her attention.

IN RE: BUDGET REVISION - AIMED AT EQUALIZING THE CURRENT SALARY INEQUITIES IN THE 2007-2008 BUDGET – CONTINUED

Motion by Corliss, second by Manuel authorizing Leslie D. Smith, County Administrator to advertise for a professional consultant to conduct a wage study for Jefferson County employees. Motion carried.

The Commission agreed by consensus to authorize Ms. Smith to consult with elected officials to determine if they wish to participate in the wage study.

Patsy Noland, Circuit Clerk was present for comments.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Manuel reported on his meeting with Fire & EMS officials with regard to adopting a Fire & EMS Authority.

IN RE: PUBLIC COMMENT

Mr. Ed Burns appeared before the Commission to express his concerns with procedures being implemented by the Commission with respect to salary increases.

The Commission received the following information:

Memorandum received from the West Virginia Division of Culture & History regarding WV County Records Management & Preservation Grant Application 2008-2009

Memorandums received from the Department of Capital Planning and Management concerning Transfer of Funds from Office of Impact Fees General Account to Sheriff's School Impact Fee Account, Sheriff's Law Enforcement Impact Fee Account, Sheriff's Park and Recreation Impact Fee Account, Sheriff's Fire & EMS Impact Fee Account

Correspondence received from WV Association of Counties regarding the WVACo Fall Board Meeting

2007-2008 Certificate of Membership received from the County Commissioners' Association of West Virginia

Correspondence received from Robert C. Keith concerning Jefferson County Taxation

Acceptance of bond received for Shepherds Retreat Subdivision in the amount of \$255,367.00.

Letter of Appreciation received from Charles Town Chaplaincy Services for funding support

Invitation to attend a Groundbreaking & Reception on Wednesday, September 26, 2007 received from Summit Point Training Campus

Monthly Board Meeting Agenda received from the Jefferson County Public Service District

Weekly Newsletter received from Vivian Parsons, Executive Director of County Commissioners' Association of West Virginia

Weekly Settlement Report received from the West Virginia Lottery

Notice of the WV Annual Brownsfield Conference received from WV Association of Counties

Correspondence received from Assistant Prosecuting Attorney Brandon Sims regarding Research to forward the County Commission's Legislative Agenda

Memorandum received from Sheriff Boober regarding County Investments

Acceptance of bond received for Seneca Crossing South Subdivision in the amount of \$564,542.00.

Meeting Minutes received from the Jefferson County Jail Progress Meeting #10

Correspondence received from the Loudoun County, Virginia Department of Planning concerning Proposed Changes to the Housing Policies of the Revised General Plan

Correspondence received from the Loudoun County, Virginia Department of Planning concerning Proposed Policy Language for CPAM 2005-2004: Eminent Domain and Protection of Existing Communities

Letter of Resignation received from David K. Donohue from the Jefferson County Ambulance Authority

Miscellaneous

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

FRANCES B. MORGAN, COMMISSION PRESIDENT