

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 27, 2007, 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 Surkamp conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES
Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, September 13, 2007, and to approve the Minutes as amended. Motion carried.
Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, September 20, 2007, and to approve the Minutes as amended. 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 27, 2007, totaling \$19,237.28: Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by Corliss, second by R. Morgan to approve the list of Accounts Payable dated September 27, 2007, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CK#	DEPT	VENDOR	PO#	PO AMT	NO AMT	CK AMT
053708	424	ALLEGHENY POWER		\$0.00	\$1,661.52	\$1,661.52
053708	425	ALLEGHENY POWER		\$0.00	\$5,755.12	\$5,755.12
053709	424	AUTOZONE		\$0.00	\$81.98	\$81.98
053710	424	BRICKSTREET MUTUAL INSUR		\$0.00	\$8,892.20	\$8,892.20
053711	402	CAT TAIL RUN HAND BKBIND	44452	\$730.00	\$0.00	\$730.00
053712	700	COUNTRY ROADS TIRE & AUT	44616	\$298.52	\$0.00	\$298.52
053713	430	*CREAMERS AUTO SERVICE	44653	\$32.75	\$0.00	\$32.75
053713	700	*CREAMERS AUTO SERVICE	44617	\$41.45	\$0.00	\$41.45
053713	700	*CREAMERS AUTO SERVICE	44654	\$49.72	\$0.00	\$49.72
053713	716	*CREAMERS AUTO SERVICE	44620	\$12.00	\$0.00	\$12.00
053714	712	VERIZON		\$0.00	\$150.00	\$150.00
053715	700	CREAMERS WRECKER SVC	44207	\$50.00	\$0.00	\$50.00
053715	700	CREAMERS WRECKER SVC	44618	\$75.00	\$0.00	\$75.00
053716	425	CATROW CONSTRUCTION CO	44614	\$200.00	\$0.00	\$200.00
053717	405	JAMES CASIMIRO III		\$0.00	\$322.00	\$322.00
053718	425	APPLE VALLEY TIRE	44628	\$85.00	\$0.00	\$85.00
053719	700	DIAMOND AUTO GLASS	44619	\$222.64	\$0.00	\$222.64
053720	425	DAYCON		\$0.00	\$564.73	\$564.73
053721	424	FRONTIER COMMUNICATIONS		\$0.00	\$854.92	\$854.92
053722	405	STEPHEN V GROH		\$0.00	\$135.00	\$135.00
053722	405	STEPHEN V GROH		\$0.00	\$180.42	\$180.42

053723	430	JEFFERSON PUBLISH CO INC	44114	\$168.00	\$0.00	\$168.00
053723	406	JEFFERSON PUBLISH CO INC		\$0.00	\$300.00	\$300.00
053724	425	JEFFERSON COUNTY SOLID	44630	\$37.13	\$0.00	\$37.13
053724	425	JEFFERSON COUNTY SOLID		\$0.00	\$20.00	\$20.00
053724	808	JEFFERSON COUNTY SOLID		\$0.00	\$2,845.35	\$2,845.35
053725	425	JEFFERSON RENTAL	44609	\$181.25	\$0.00	\$181.25
053725	425	JEFFERSON RENTAL	44611	\$33.00	\$0.00	\$33.00
053726	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00
053727	401	MATTHEW BENDER & CO		\$0.00	\$95.15	\$95.15
053728	402	COMPTROLLER OF MARYLAND		\$0.00	\$129.89	\$129.89
053729	700	MCKINNEY'S AUTO REPAIR	44622	\$465.33	\$0.00	\$465.33
053729	700	MCKINNEY'S AUTO REPAIR	44652	\$73.51	\$0.00	\$73.51
053729	700	MCKINNEY'S AUTO REPAIR	44655	\$29.08	\$0.00	\$29.08
053730	405	NATIONAL CENTER FOR	44646	\$75.00	\$0.00	\$75.00
053731	404	PIFER OFFICE SUPPLY, INC	44507	\$8.75	\$0.00	\$8.75
053732	424	REESE'S NURSERY&LANDSCAP	44570	\$775.00	\$0.00	\$775.00
053733	424	SPRINT PCS		\$0.00	\$85.90	\$85.90
053733	443	SPRINT PCS		\$0.00	\$159.79	\$159.79
053733	712	SPRINT PCS		\$0.00	\$805.57	\$805.57
053733	712	SPRINT PCS		\$0.00	\$281.23	\$281.23
053734	980	SOUTHERN PUB/SAFETY EQUI	44204	\$3,686.09	\$0.00	\$3,686.09
053735	424	SHANNON BUSINESS SYSTEMS	44610	\$1,480.00	\$0.00	\$1,480.00
053735	424	SHANNON BUSINESS SYSTEMS	44610	\$304.48	\$0.00	\$304.48
053736	425	SOUTHERN REFRIGERATION	44615	\$27.00	\$0.00	\$27.00
053737	700	SHOMER-TEC	44209	\$69.99	\$0.00	\$69.99
053738	443	STAR LODGE/HISTORIC LOCK		\$0.00	\$4,000.00	\$4,000.00
053739	700	TRICK TRUCKS XI, INC.	44621	\$490.00	\$0.00	\$490.00
053740	425	U S PAVING LLC	44579	\$6,820.00	\$0.00	\$6,820.00
053741	425	VALLEY HARDWARE COMPANY	44335	\$50.40	\$0.00	\$50.40
053742	712	VALLEY TWO-WAY, INC	44367	\$118.50	\$0.00	\$118.50
053743	424	WALMART BUSINESS		\$0.00	\$508.69	\$508.69
053744	402	XEROX COPORATION	44466	\$573.37	\$0.00	\$573.37
TOTALS				\$17,262.96	\$28,829.46	\$46,092.42

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$95.15
402/CCLK	CO. CLERK	\$1,433.26
403/CIR CLK	CIRCUIT CLERK	
404/TAX	TAX OFFICE	\$8.75
405/PA	PROS ATTY	\$712.42
406/ASSR	ASSESSORS	\$300.00
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	
422/IMPACT	IMPACT FEE OPERATIONAL DEPT	
424/CTHS	COURT HOUSE	\$14,644.69
425/OB	OTHER BUILDING	\$13,773.63
428/DATAP	DATA PROCESSING	

430/HLS	HOMELAND SEC	\$200.75
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	
439/PZ	PLANNING ZONING	
440/ENG.	DEPT OF ENGINEERING	
451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$1,865.24
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	
712/911	911 COMMUNICATION	\$2,355.30
716/A/C	ANIMAL CONTROL	\$12.00
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	\$2,845.35
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	\$3,686.09
983/CLK ELEC	CO CLERK ELECTION/CAP OUTLAY	
986/CAP/COMM	CO. COMMISSION/CAPITAL OUTLAY	
988/CAP/OB	OTHER BUILDING/CAPITAL OUTLAY	
ALL DEPTS	ALL DEPTS	
ALLOC	ALLOCATIONS	
GRANTS	GRANTS	\$4,159.79
INVEST	INVESTMENTS	
PAYROLL	PAYROLL	
TOTALS		\$46,092.42

In re: BONDING AND ACTIVITY REPORT

There was no bonding and activity report given.

In re: PUBLIC COMMENT

No public comment was given.

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 F. Morgan reported on the County Commissioners' Association board meeting that she attended in Morgantown.

Commissioner Manuel reported on annexation discussions during the Council of Governments meeting.

In re: KENDIG KEAST/ORDINANCE REWRITE DISCUSSION

No action was taken on this agenda item.

In re: POSITION CLASSIFICATION AND COMPENSATION STUDY RFP

The County Administrator presented the Commission with a draft Position Classification and Compensation Study RFP. The Commission agreed to defer the matter until later in the meeting. Mike Thompson, Prosecuting Attorney, informed the Commission that several elected officials were interested in this discussion. The Commission agreed that they would take up this matter at 1:30 p.m.

In re: MUTUAL AID AGREEMENT WITH WASHINGTON COUNTY, MARYLAND

Motion by R. Morgan, second by Manuel to approve the Mutual Aid Agreement with Washington County, Maryland as presented by Assistant Prosecuting Attorney Brandon Sims. Motion carried.

In re: LETTER TO COMMERCE SECRETARY - LOCAL GOVERNMENT FLEXIBILITY ACT

Motion by Manuel, second by R. Morgan to approve the letter, drafted by Assistant Prosecuting Attorney Brandon Sims, to the Commerce Secretary concerning the Local Government Flexibility Act. Motion carried.

In re: JEFFERSON COUNTY DEVELOPMENT AUTHORITY - RESPONSE TO RECENT WEB POSTINGS BY COMMISSIONER SURKAMP

Bill Chesley, President of the Jefferson County Development Authority, appeared before the Commission on behalf of the entire Board of Directors of the Jefferson County Development Authority to address recent web posting made by Commissioner Surkamp concerning the Development Authority. Mr. Chesley informed the Commission that the Board of Directors' felt the web postings were intentionally erroneous and insulting about the programs, staff and the Board of Directors of the Development Authority. Jane Peters, Executive Director of the Development Authority, commented on the matter and offered to meet with the Commission in a work session to discuss the work of the Development Authority. Eric Lewis also commented on the matter.

In re: KIRK DAVIS

- A VOTE TO SIGN THE JC608 JUDICIAL CENTER ARCHITECTURAL CONTRACT FOR SILLING ARCHITECTS

Mr. Davis requested that the Commission vote to approve the architectural contract for the proposed judicial center with Silling Architects. After comments from Mike Thompson and Patsy Noland, the Commission agreed to continue this discussion at 2:00 p.m.

- A VOTE TO SIGN THE JC603 SHERIFF'S OFFICE CONTRACT FOR MIGHINI CONSTRUCTION

Mr. Davis informed the Commission that this contract had not been received yet.

- PROVIDE A WRITTEN PROGRESS REPORT ON ALL PROJECTS

Mr. Davis provided the Commission with a progress report on the County building projects.

- ASK FOR PERMISSION TO CONDUCT RESEARCH ON THE CREATION OF A BUILDING AUTHORITY WITH THE RESULTS TO BE PRESENTED AT THE CAPITAL PLANNING MEETING ON OCTOBER 11TH

The Commission agreed to discuss the Building Commission on next week's agenda

In re: JEFF POLCZYNSKI - GIS DEPARTMENT POSITION RECLASSIFICATION

Jeff Polczynski appeared before the Commission to request the reclassification of the Addressing Specialists position into the position of GIS Technician. After discussion, the Commission requested that Mr. Polczynski appear before the Commission next week with a job description for the GIS Technician before the Commission makes a decision on the request for position reclassification.

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

Due to election training for the County Clerk and staff in Charleston, no County Clerk's report was given.

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 following:

- The County Commission vs. Ranson pleading.
- Employee handbook review.
- Local Government Flexibility Act letter to the Commerce Secretary.
- Grant Award for the Citizen Corps Pilot Grant.
- Guardian insurance overpayment.

Ms. Sims also asked the Commission if they would like for her to contact the elected officials for another work session on IT issues. The Commission agreed to have Ms. Sims contact the elected officials concerning an IT work session.

Motion by Manuel, second by Corliss to enter into Executive Session with legal counsel in order to discuss pending litigation as provided by Peters vs. Wood County and to also discuss a personnel matter. Motion carried.

Motion by Manuel, second by Corliss to return to Regular Session. Motion carried.
No action was taken in Executive Session.

In re: DRAFT OF IT SUPPORT CENTRALIZATION POLICY

The Commission agreed to defer this matter and to provide the draft to the elected officials.

In re: APPROPRIATION FOR SHEPHERDSTOWN BATTLEFIELD

The Commission agreed to draft a resolution to vote on later and hold a public hearing on the approved resolution.

In re: WRITTEN REQUEST TO ASSESSOR FOR CURRENT AUTO-CAD POLYGONS OF TAX MAPS FOR PLANNING, 911, DISPATCH (JS)

After discussion, the Commission agreed to ask the County Administrator to contact Tony Redman and request that he draft a letter to the Assessor requesting the tax maps.

In re: WEST VIRGINIA COMMISSION FOR NATIONAL AND COMMUNITY SERVICE - APPROVAL OF NOTICE OF CITIZEN CORPS PILOT GRANT AWARD

Motion by Manuel, second by R. Morgan to approve Citizen Corps Pilot Grant Award from the West Virginia Commission for National and Community Service. Motion carried.

In re: UPDATE ON SAVE AMERICA'S TREASURES GRANT (RM)

After discussion, the Commission agreed to ask the County Administrator to contact Matthew Grove concerning the Save America's Treasures Grant.

In re: REPORT ON PUBLIC MEETING CONCERNING ILLEGAL MOTOR TRAFFIC ON THE BLUE RIDGE (RM)

The Commission discussed a public meeting concerning illegal ATV traffic on the Blue Ridge. After discussion, the Commission agreed to ask the County Administrator to request a work session with the Sheriff on this matter.

The Commission recessed for lunch at 12:10 p.m.; The Commission reconvened at 1:30 p.m.

In re: PROBATE MATTER

Lynn Fields, from the County Clerk's office, appeared before the Commission to request the President's signature on a triple seal document. Motion by Manuel, second R. Morgan to authorize the President's signature on the triple seal document as presented by Ms. Fields. Motion carried.

In re: APPROPRIATION FOR SHEPHERDSTOWN BATTLEFIELD - CONTINUED

Commissioner Surkamp provided the Commission with a draft resolution to provide an appropriation for the Shepherdstown Battlefield. Motion by Surkamp, second by Corliss to approve the resolution for the Shepherdstown Battlefield. Motion failed by a 2-3 vote. Commissioners Manuel, R. Morgan and F. Morgan voted no. Motion by R. Morgan, second by Manuel to ask the County Administrator to advertise for a public hearing on possibly appropriating County funds towards the preservation of the Shepherdstown Battlefield and for the advertisement to include language from the resolution and to hold a public hearing within a month. Motion carried.

In re: POSITION CLASSIFICATION AND COMPENSATION STUDY RFP

The Commission discussed the draft RFP provided by the County Administrator on the Position Classification and Compensation Study. Elected officials present for the discussion were Mike Thompson, Ginger Bordier and Patsy Noland. The elected officials inquired into the Commission's intention for the use of the wage study and informed the Commission that they would not be bound by the results of the Commission's wage study. After discussion, motion by Corliss, second by Manuel to approve the Position Classification and Compensation Study RFP subject to changing the RFP to include those elected officials who choose to participate in the study and also pending legal review. Motion carried.

**In re: A VOTE TO SIGN THE JC608 JUDICIAL CENTER ARCHITECTURAL CONTRACT FOR SILLING ARCHITECTS - CONTINUED
CAPITAL BUILDING MANAGER REVIEW OF JUDICIAL CENTER SPACE REQUIREMENTS TO INCLUDE COMMENTS ON CIRCUIT CLERK LETTER REGARDING SPLIT OPERATIONS (GC)**

Kirk Davis appeared before the Commission to discuss space requirements for the proposed judicial center. Mike Thompson, Ginger Bordier, Patsy Noland, Mark Schiavone and Brandy Sims were also present and commented on the matter. After discussion, motion by Surkamp, second by Manuel to approve the architect contract with Silling Associates for the Judicial Center and to add to the contract a more detailed scope of the utilization of the space. Motion carried.

In re: UPDATE ON VIABILITY OF FUNDING CAPITAL IMPROVEMENTS PROGRAM THROUGH USE OF BONDS (RM)

The Commission agreed to defer this matter until next week.

In re: UPDATE ON BUDGET PLANS (RM)

The Commission discussed the plans for preparing the next budget. The Commission agreed to schedule a work session on the matter and to also keep this item on the agenda as an Old Business recurring item.

In re: REQUEST RESOLUTION FROM THE COUNTY COMMISSION (CERTIFICATE OF APPRECIATION) FOR MR. JAMES TOLBERT, SR., TO BE PRESENTED AT A BAQUET IN HIS HONOR ON OCTOBER 6TH, 2007 AT HILLTOP HOUSE (FM)

The Commission agreed to have a resolution prepared for approval at next week's meeting.

In re: COUNTY COMMISSION WORKSHOP - EMPLOYEE GUIDELINES, EMPLOYEE EVALUATION FORMS

The Commission conducted a workshop with Brandon Sims, Assistant Prosecuting Attorney, to review the draft employee guidelines. Ms. Sims provided the Commission with a policy determination checklist. The Commission went through the list and provided the answers.

In re: COUNTY ADMINISTRATOR REPORTS

No report was given.

In re: COUNTY COMMISSION REPORTS

No reports were given.

The Commission received the following information:

Open Forum Town Meeting to be held at the Shepherdstown Men's Club on Wednesday, October 3, 2007, beginning at 6:30 p.m.

Notice of appointment to be made to the Jefferson County Ambulance Authority on October 11, 2007.

Copy of correspondence sent to Senator Michael Oliverio, II from the Prosecuting Attorney's office received concerning annexation.

Correspondence received from Steven M. Chase, from NCTC, concerning the proposed power transmission line.

Update on the status of the cable franchise agreement received from Robert Rodecker.

Copy of correspondence sent to Susan Rissler Sheely from the Public Service District received concerning a Freedom of Information Act request.

Copy of correspondence sent to Kenneth & Pamela Williams from the State Tax Department received concerning property taxes.

Copies of correspondence from Jefferson Utilities, Inc. received concerning the Mountain Water System.

County Clerk Monthly Report received for August 2007.

Correspondence received from the Department of Agriculture commending agriculture development and the Agricultural Development Officer, Kellie Boles.

Eastern Panhandle Transit Authority Board meeting minutes received.

Invitation received from the Jefferson County Branch of the NAACP to attend an Appreciation Banquet for James A. Tolbert on October 6, 2007, at 6:00 p.m. at the Hilltop House.

Information received from the Division of Highways concerning the Transportation Enhancement Program and the Recreational Trails Program.

Copy of a newspaper article received concerning water systems.

Order received from the Division of Highways concerning the abandonment and addition of roads.

Letter of appreciation received from Robert A. Scharmer for assistance received from Michelle Mason.

Information received from Business Health Services concerning flu shots.

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

E-911 fees received from Comtel Telecom Assets LP, IDT Corporation, Level 3 Communications LLC, and AT&T Communications of West Virginia.

Notice received from Loudoun County of a Comprehensive Plan Amendment public hearing on October 15, 2007.

Notice received from the Department of Planning of a subdivision work session on October 5, 2007.

Miscellaneous

CORRESPONDENCE

Correspondence received from John J. Kuska, Jr. concerning property taxes.

Correspondence received from Rodney T. Cooke concerning property taxes.

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

FRANCES B. MORGAN, COMMISSION PRESIDENT