

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, October 25, 2007 beginning at 9:30 o'clock a.m.

PRESENT: Frances B. Morgan, President; James Surkamp;
Gregory A. Corliss, Dale Manuel; Commissioners

Commissioner A.M.S. (Rusty) Morgan, III was absent

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Surkamp conducted the Pledge of Allegiance

IN RE: PROCEDURAL MOTION – AGENDA DISCUSSION

Commissioner Corliss expressed concerns with the number of items placed on the weekly agenda and requested the Commission reconsider future items and withdraw a few items for this weeks agenda.

Motion by Corliss to withdraw Old Business #8, 11 and 13 from this week's agenda. Commissioner Surkamp seconded the motion but requested Old Business # 11 be addressed by Jennifer Maghan, County Clerk. Commissioner Manuel seconded Commissioner Corliss' original motion. Original motion carried by a 3-1 vote; Commissioner Surkamp voted no.

Commissioner F. Morgan reported on the United States Supreme Court rulings regarding agenda policies and discussed authorizing posted agenda items by Commission consensus prior to public session. Commissioner Surkamp recommended agenda items be addressed in a rapid fashion and be more specific in nature.

IN RE: PSD PLANS (JS)

This agenda item was removed by majority vote.

IN RE: JOINT CLARIFICATION COUNTY CLERK'S OFFICE AND COUNTY ADMINISTRATOR RE: "DATA PROCESSING/IMAGING ACCOUNT (JS)

This agenda item was removed by majority vote.

IN RE: SHORT-TERM, TECHNICAL, MULTI-JURISDICTIONAL COMMITTEE TO DEFINE/REFINE "GREEN BUSINESS OFFICE PARK" (JS)

This agenda item was removed by majority vote.

IN RE: APPROVAL OF MINUTES

Motion by Manuel, second by Corliss to dispense with the reading of the Minutes for the meeting held on Thursday, October 18, 2007 and to approve the Minutes as amended. Motion carried.

COMMISSIONER R. MORGAN ARRIVED AT 9:40 A.M.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Corliss to approve the following Purchase Orders for the week of October 25, 2007 totaling \$22,545.97: 44691, 44460, 44472, 44846, 44847, 44848, 44875, 44354, 44816, 43672, 44115, 44691, 44684, 44685, 44687, 44780, 44781, 44782, 44688, 44689, 44690 and 44510. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE

Motion by Corliss, second by Manuel to approve the list of Accounts Payable totaling \$520,831.42 dated October 25, 2007 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

Ck#	Dept	Vendor	PO#	PO Amt	Amt w/o PO	Ck Amt
053925	424	ALLEGHENY POWER		\$0.00	\$1,503.34	\$1,503.34
053925	425	ALLEGHENY POWER		\$0.00	\$4,114.09	\$4,114.09
053926	225	AMERICAN FAMILY LIFE ICU		\$0.00	\$3,551.06	\$3,551.06
053927	405	ACCURATE SYSTEMS INC	44776	\$424.95	\$0.00	\$424.95
053928	425	COMCAST		\$0.00	\$53.42	\$53.42
053929	425	USA MOBILITY WIRELESS		\$0.00	\$181.81	\$181.81
053930	ALLOC	BLUE RIDGE MTN FIRE CO.		\$0.00	\$40,000.00	\$40,000.00
053931	425	B-K OFFICE SUPPLY INC	44678	\$212.85	\$0.00	\$212.85
053932	716	PAULA AIELLO		\$0.00	\$60.00	\$60.00
053933	ALLOC	BAKERTON FIRE DEPT		\$0.00	\$40,000.00	\$40,000.00
053934	ALLOC	CITIZENS FIRE COMPANY		\$0.00	\$40,000.00	\$40,000.00
053935	401	CO COMMISSIONERS ASSOC		\$0.00	\$125.00	\$125.00
053936	700	COUNTRY ROADS TIRE/AUTO	44681	\$344.89	\$0.00	\$344.89
053937	700	CREAMERS AUTO SERVICE	44680	\$58.45	\$0.00	\$58.45
053938	405	MARY K COOK	44777	\$30.00	\$0.00	\$30.00
053939	440	MASON CARTER		\$0.00	\$18.87	\$18.87
053940	716	DELL MARKETING LP	44870	\$1,502.00	\$0.00	\$1,502.00
053941	700	DIV CRIMINAL JUSTICE SVC	44216	\$1,500.00	\$0.00	\$1,500.00
053942	425	DAYCON	44662	\$546.52	\$0.00	\$546.52
053943	412	SHANNA D. NICODEMUS		\$0.00	\$251.23	\$251.23
053944	GRANT	DPC		\$0.00	\$2,800.00	\$2,800.00
053945	402	DUNN ENGINEERS, INC		\$0.00	\$6,844.70	\$6,844.70
053946	439	DEE SIGN CO	44163	\$405.84	\$0.00	\$405.84
053947	405	EMBASSY SUITES	44775	\$352.00	\$0.00	\$352.00
053948	439	EXPLORE MAPS	44168	\$30.36	\$0.00	\$30.36
053948	440	EXPLORE MAPS	44167	\$60.72	\$0.00	\$60.72
053949	401	EASTERN PANHANDLE		\$0.00	\$5,000.00	\$5,000.00
053950	716	JESSICA EBERSOLE		\$0.00	\$60.00	\$60.00
053951	700	EMERGENCY EQUIP LIGHTING	44217	\$3,148.00	\$0.00	\$3,148.00
053952	424	FEDEX		\$0.00	\$63.91	\$63.91
053953	ALLOC	FRIENDSHIP FIRE COMPANY		\$0.00	\$40,000.00	\$40,000.00
053954	425	FARM PLAN/SOUTHERN ST	44593	\$67.67	\$0.00	\$67.67
053955	412	FRONTIER		\$0.00	\$573.25	\$573.25
053956	980	GALLS INCORPORATED	44214	\$943.94	\$0.00	\$943.94
053957	700	HERALD MAIL	44224	\$476.10	\$0.00	\$476.10
053958	ALLOC	INDEPENDENT FIRE COMPANY		\$0.00	\$40,000.00	\$40,000.00
053959	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$68.46	\$68.46

053960	402	JEFFERSON PUBLISH CO INC	44473	\$260.65	\$0.00	\$260.65
053961	700	THE JOURNAL	44225	\$366.96	\$0.00	\$366.96
053962	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00
053963	700	KEEP JEFFERSON BEAUTIFUL	44218	\$25.00	\$0.00	\$25.00
053964	405	MATTHEW BENDER & CO	44778	\$815.10	\$0.00	\$815.10
053964	700	MATTHEW BENDER & CO	44222	\$283.65	\$0.00	\$283.65
053965	413	MARRIOTT INTERNATIONAL	43375	\$567.67	\$0.00	\$567.67
053966	700	MCKINNEY'S AUTO REPAIR	44677	\$40.70	\$0.00	\$40.70
053967	424	RYAN MILBORNE		\$0.00	\$291.04	\$291.04
053968	700	NPSIB/	44219	\$268.20	\$0.00	\$268.20
053969	712	NATL EMERGENCY NMBR ASSO	44375	\$240.00	\$0.00	\$240.00
053969	712	NATL EMERGENCY NMBR ASSO	44376	\$75.00	\$0.00	\$75.00
053970	403	PIFER OFFICE SUPPLY, INC	44492	\$65.50	\$0.00	\$65.50
053971	425	ROACH OIL COMPANY		\$0.00	\$3,961.80	\$3,961.80
053972	ALLOC	SHEPHERDSTOWN FIRE CO		\$0.00	\$40,000.00	\$40,000.00
053973	424	SMITH-NADENBOUSCH INS./C		\$0.00	\$476.00	\$476.00
053974	401	SOFTWARE SYSTEMS, INC		\$0.00	\$529.00	\$529.00
053974	402	SOFTWARE SYSTEMS, INC		\$0.00	\$1,250.00	\$1,250.00
053974	403	SOFTWARE SYSTEMS, INC		\$0.00	\$366.00	\$366.00
053974	404	SOFTWARE SYSTEMS, INC		\$0.00	\$843.00	\$843.00
053974	440	SOFTWARE SYSTEMS, INC		\$0.00	\$30.50	\$30.50
053974	712	SOFTWARE SYSTEMS, INC		\$0.00	\$1,421.80	\$1,421.80
053975	405	SPECIALTY BUS SUPPLIES	44779	\$1,395.52	\$0.00	\$1,395.52
053975	978	SPECIALTY BUS SUPPLIES	44779	\$1,924.83	\$0.00	\$1,924.83
053976	704	ST/WV REGIONAL JAIL	44809	\$116,642.50	\$0.00	\$116,642.50
053977	425	SHERWIN-WILLIAMS	44657	\$96.38	\$0.00	\$96.38
053978	Payroll	WV DEP SHRF RETIREMEN		\$0.00	\$8,197.18	\$8,197.18
053979	Payroll	WV DEP SHRF RETIREMEN		\$0.00	\$10,125.91	\$10,125.91
053980	980	DANA SAFETY SUPPLY	44220	\$426.35	\$0.00	\$426.35
053981	405	BRANDON C.H. SIMS		\$0.00	\$8.00	\$8.00
053982	424	US POSTAL SERVICE		\$0.00	\$20,000.00	\$20,000.00
053983	403	VITAL SIGNS	44483	\$400.00	\$0.00	\$400.00
053984	712	WV STATE POLICE ACCT OFC	44378	\$13.00	\$0.00	\$13.00
053985	712	WV ENHANCED 911 COUNCIL	44377	\$25.00	\$0.00	\$25.00
053986	Payroll	WV PUB EMP RETIRE SYS		\$0.00	\$20,783.12	\$20,783.12
053987	Payroll	WV PUB EMP RETIRE SYS		\$0.00	\$48,493.67	\$48,493.67
053988	700	WEST VIRGINIA UNIFORM-52	44215	\$332.00	\$0.00	\$332.00
053989	716	WALMART BUSINESS		\$0.00	\$123.16	\$123.16
053990	700	WINCHESTER STAR	44223	\$202.50	\$0.00	\$202.50
053991	401	WVNET		\$0.00	\$16.67	\$16.67
053992	GRANT	PAMELA HOLSTEIN-WALLACE		\$0.00	\$3,074.63	\$3,074.63
Totals				\$134,570.80	\$386,260.62	\$520,831.42

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$5,670.67
402/CCLK	CO. CLERK	\$8,355.35
403/CIR CLK	CIRCUIT CLERK	\$831.50
404/TAX	TAX OFFICE	\$843.00
405/PA	PROS ATTY	\$3,025.57
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	\$824.48
413/ELE	ELECTION	\$567.67
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	
422/IMPACT	IMPACT FEE OPERATIONAL DEPT	
424/CTHS	COURT HOUSE	\$22,334.29
425/OB	OTHER BUILDING	\$9,303.00
428/DATAP	DATA PROCESSING	
430/HLS	HOMELAND SEC	
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	
439/PZ	PLANNING ZONING	\$436.20
440/ENG.	DEPT OF ENGINEERING	\$110.09
451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$7,046.45
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	\$116,642.50
711/OES	EMERG SVC	
712/911	911 COMMUNICATION	\$2,774.80
716/A/C	ANIMAL CONTROL	\$1,745.16
801/MTL HLTH	MENTAL HEALTH TRANS TO ENTITIE	
808GOV UNIT	SWA CONTRIB OTHER GOV UNIT	
975/CAP OTL	CO. CLERK / CAPITAL OUTLAY	
976/CAP/CIR	CIRCUIT CLERK/CAPITAL OUTLAY	
978/CAP/PA	PROS ATTY/CAPITAL OUTLAY	\$1,924.83
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	
980/CAP/SRF	SHERIFF DEPT/CAPITAL OUTLAY	\$1,370.29
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	
ALL DEPTS	ALL DEPTS	

ALLOC	ALLOCATIONS	\$240,000.00
GRANTS	GRANTS	\$5,874.63
INVEST	INVESTMENTS	
PAYROLL	PAYROLL	\$91,150.94
TOTALS		\$520,831.42

IN RE: BONDING AND ACTIVITY REPORT

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Corliss, second by Manuel to approve the complete release of an Irrevocable Letter of Credit in the amount of \$75,000.00 in the name of Dan Ryan Builders for Spruce Hill Subdivision, Lots 1-37. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Corliss, second by R. Morgan to approve the partial release of an Irrevocable Letter of Credit in the amount of \$149,520.00 in the name of Greenbrier Investment, LLC for Waterside Reserve Subdivision (FKA Beacon Hill Subdivision) with the County to retain \$139,942.00. Motion carried.

Tony Redman, Director of Planning and Zoning appeared before the Commission to discuss clarification of the Kendig Keast public hearings previously scheduled and requested the Commission consider rescheduling previously set dates and adding an additional date in order to accommodate all areas of Jefferson County. The Commission agreed by unanimous consent to schedule the hearings for Wednesday, November 28; Tuesday, December 4; Thursday, December 6; Monday, December 10, Wednesday, December 12 and Saturday, December 15, 2007.

Mr. Redman reported on the meeting he attended with officials from Senator Byrd’s office on October 24, 2007 regarding land use regulations for the proposed museum on the Old Standard Quarry site. Mr. Redman reported on architectural objectives for a proposed museum on the site by Stonewall Heights LLC

The Commission agreed to ask Stonewall Heights leaders to give a presentation on the project as soon as possible as well as a proposed report on the project by Development Authority officials.

IN RE: KENDIG KEAST/ORDINANCE REWRITE DISCUSSION

This matter was discussed under agenda item: “Bonding and Activity Report”

IN RE: PUBLIC COMMENT

Margaret Woelker appeared before the Commission to express concerns with actions by Commissioner Surkamp with regard to the Public Service Commission case regarding the water rate increase request by Jefferson Utilities.

Daniel Lutz appeared before the Commission to express concerns with Development Authority officials and County Commission meeting policies and procedures.

IN RE: BARBARA MILLER - REPORT ON CBX-07 CROSS BORDER EXERCISE

Barbara Miller, Jefferson County Office of Emergency Management and Homeland Security Director appeared before the Commission to provide a detailed after action report on the CBX-07 Cross Border Exercise held on Friday, October 12 and Saturday, October 13, 2007. Ms. Miller distributed copies of the report detailing the objectives and strategies of the functional exercise that included officials from Jefferson and Berkeley County West Virginia and Clarke and Frederick County, Virginia. Ms. Miller reported she is awaiting an after action report from the EPA which she will provide to the Commission.

IN RE: APPROVAL OF STEERING COMMITTEE MEMBERS - OFFICE OF HOMELAND SECURITY AND EMERGENCY MANAGEMENT

Motion by Manuel, second by F. Morgan to approve Sheriff Ed Boober, Pamela Holstein-Wallace, Bill Linganfelter, Sue Lawton and James "Jay" Watson as additional members to the Office of Homeland Security and Emergency Management Steering Committee. Motion carried.

IN RE: PATSY NOLAND - REQUEST FOR ADDITIONAL FUNDS

Patsy Noland, Circuit Clerk appeared before the Commission to request additional funds to accommodate equitable pay raises for her employees. Ms. Noland provided the Commission with a wage study she conducted that includes previous pay increases for other county employees. Ms. Noland stressed the importance of equity among county employees and expressed the need for an allocation of funds to increase her staff salaries by 8.71%.

Ms. Noland requested the Commission provide an explanation of inequity to her employees whom were present during the meeting. Commissioner Manuel expressed his concerns with salary inequities as previously decided upon by majority vote of the Commission.

Motion by Manuel to appropriate \$24,000.00 to the Circuit Clerk budget in order to increase Circuit Clerk employee salaries. Motion died due to lack of a second.

IN RE: INTERVIEW FOR BOARD OF ZONING APPEALS ALTERNATE

Jon S. Brusco appeared before the Commission for an interview as a Board of Zoning Appeals alternate member.

Motion by Surkamp, second by Corliss to appoint Jon S. Brusco as an alternate member to the Board of Zoning Appeals for one unexpired term ending 1/1/2010.

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

This matter was discussed under agenda item: "Interview for Board of Zoning Appeals Alternate".

The Commission took a 10-minute break at 10:55 a.m.

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

Jennifer S. Maghan, County Clerk appeared before the Commission for the weekly County Clerk's report.

Ms. Maghan reported on the Software Vendor Showcase held October 23rd and 24th and that her office will make their decision for which software vendor by October 31st with recommendations to the Commission by the first week of November.

Ms. Maghan reported on the history of the data processing fund. Ms. Maghan discussed the obstacles of various County departments as a result of inadequate funds with regard to data processing and IT expenditures. The Commission agreed by unanimous consent authorizing Leslie D. Smith, County Administrator to address this matter in conjunction with Jennifer Maghan, County Clerk and report back to the County Commission. .

IN RE: BRANDON SIMS - LEGAL UPDATE AND REPORT

Brandon Sims, Assistant Prosecuting Attorney appeared before the Commission for a legal update and report. Ms. Sims reported on the following:

The motion to intervene and consolidate in the Public Service Commission cases;

The status of the Mutual Aid Agreement between the Jefferson County Sheriff's Department and Washington County Maryland Sheriff's Department; and

Interaction with David Hammer regarding the Baldau case, Ms. Sims presented the Commission with correspondence received from Mr. Hammer.

Ms. Sims distributed the letter she sent to Elected Officials and Department Heads with regard to the IT Workshop, Ms. Sims reported that the only attendee would be Jennifer Maghan, County Clerk. Commissioner F. Morgan requested rescheduling the Workshop due to lack of attendance. The Commission agreed by unanimous consent to reschedule the IT workshop.

Ms. Sims presented the Commission with three proposed revisions to the Annexation statutes as previously requested by the Commission. Ms. Sims provided her recommendations for presentation to the legislative senators.

Motion by Corliss to send the proposed revisions as drafted by Brandon Sims, Assistant Prosecuting Attorney to all our legislative delegates and interested parties for their review and input with a decision to be rendered by the Commission on which revision to adopt next week. Motion died due to lack of a second. The Commission agreed by unanimous consent to authorize Leslie D. Smith, County Administrator to contact all our legislative senators and other interested parties to schedule a meeting next week to discuss this matter further.

Ms. Sims reported that her reassignment into the Criminal Division of the Prosecuting Attorney's office will take effect next week and that Ms. Stephanie Grove will be taking her place at the County Commission office. Ms. Sims reported that she would be completing work on all her current cases for the County Commission.

Ms. Sims provided the Commission with a draft resolution for their review and consideration. Ms. Sims requested the Commission pass the resolution to denounce accusations set forth by Commissioner Surkamp. Ms. Sims provided the Commission with copies of derogatory comments posted on several web sites by Commissioner Surkamp and discussed various allegations made during previous County Commission Sessions.

Motion by Manuel, second by Corliss to adopt the Resolution as presented by Brandon Sims, Assistant Prosecuting Attorney and amended by Commissioner Manuel. Motion carried by a 3 to 2 vote; Commissioners Surkamp and F. Morgan voted no.

RESOLUTION

WHEREAS Commissioner Jim Surkamp on October 18, 2007 accused this Commission's legal counsel of deliberate delay in review of a contract for the construction of the courthouse annex, which delay allegedly caused the County more than one million dollars in increased costs,

WHEREAS legal counsel on October 18, 2007 provided documentary evidence demonstrating the delay in execution of the contract was caused by another county employee not employed by the Prosecutor's Office,

WHEREAS Commissioner Surkamp acknowledged in executive session that the delay he previously accused legal counsel of creating was not caused by legal counsel,

This Commission does hereby RESOLVE to RECOGNIZE that the Office of the Prosecuting Attorney and Legal Counsel employed therein, were not responsible for any delay of the review of revision of that construction contract which delay may or may not have increased construction costs to the County. The Commission further RESOLVES and RECOGNIZES that Commissioner Surkamp's comments made on October 18, 2007 which implicated legal counsel in the delay were without merit.

FRANCES B. MORGAN, PRESIDENT

ADOPTED: October 25, 2007

Motion by Manuel, second by F. Morgan to enter into Executive Session to discuss pending litigation. Motion carried.

Motion by Manuel, second by F. Morgan to return to Regular Session. Motion carried. No action was taken during Executive Session.

IN RE: COUNTY COMMISSION WORKSHOP - IT WORKSHOP

This matter was discussed under agenda item: "Brandon Sims – Legal update & report"

IN RE: ANNEXATION SUMMIT DISCUSSION

This matter was discussed under agenda item: "Brandon Sims – Legal update & report"

IN RE: LEGISLATIVE ISSUES

This matter was discussed under agenda item: "Brandon Sims – Legal update and Report"

IN RE: REQUEST FOR RESOLUTION BY PROSECUTING ATTORNEY

This matter was discussed under agenda item: "Brandon Sims – Legal update and Report"

The Commission recessed for lunch at 12:15 p.m. The Commission reconvened at 1:30 p.m.

IN RE: PROCEDURAL MOTION - BUDGET REVISION – REQUEST TO ATTEND TRAINING

With consideration to a budget revision made on October 18, 2007 in support of Capital Planning and Management personnel attending budget and payroll training in Morgantown, motion by Manuel requesting the Commission reconsider the previous budget revision to include additional allocation of funds for personnel from the County Finance office to attend the training. Motion died due to lack of a second.

IN RE: UPDATE ON BUDGET PLANS (RM)

The Commission agreed to discuss this matter further during the Budget Workshop scheduled for Monday, October 29, 2007. The Commission agreed to reschedule the workshop from 10:00 a.m. to 9:30 a.m. Leslie D. Smith, County Administrator provided a status report for the Wage Study RFP.

IN RE: HISTORICAL MILESTONE, SHANNONDALE SPRINGS (FM)

Commissioner F. Morgan withdrew this agenda item.

IN RE: COUNTY WORKFORCE PERFORMANCE REVIEWS; STATUS OF PLAN (FM)

Leslie D. Smith, County Administrator provided a status report on the plans for implementing performance reviews for Jefferson County employees. Commissioners reported on their review of the proposal previously presented by Ms. Smith. The Commission agreed by consensus that Leslie D. Smith would distribute detailed job descriptions to department heads for review and update prior to executing a performance evaluation system.

IN RE: GIS INFORMATION ON THE USE OF SHARED RESOURCES (FM)

Commissioner F. Morgan reported on the email she received from Todd Fagan concerning agenda items referring to GIS information and procedures. The Commission expressed an interest in Mr. Fagan's to share data and other GIS/mapping resources to assist other County agencies.

Motion by Corliss, second by F. Morgan authorizing Leslie D. Smith, County Administrator to confer with Mr. Fagan with regard to GIS capacity, interoperability and resources and provide a GIS overview report for Commission review. Motion carried.

IN RE: SHEPHERD UNIVERSITY - DISCUSS AREAS OF COLLABORATION WITH COUNTY (FM)

Commissioner F. Morgan reported on Shepherd University's new business program and expressed collaborating with Shepherd University officials to implement a County Intern Program. The Commission agreed that Commissioner F. Morgan could meet with Shepherd University Administrators to discuss this matter further.

IN RE: LETTER TO AMERICAN PUBLIC UNIVERSITY SYSTEM AND SCHONSTEDT INSTRUMENT COMPANY

Motion by Surkamp, second by R. Morgan authorizing Leslie D. Smith, County Administrator to send a letter of congratulations to American Public University Systems and Schonstedt Instrument Company on being one of the thousand fastest growing small companies in the country. Motion carried by a 4-0 vote; Commissioner F. Morgan recused herself from voting on this matter.

IN RE: REQUEST TO USE LIBRARY MEETING ROOM - HUMANA - SENIOR HEALTH BENEFITS SEMINARS

Motion by Corliss, second by R. Morgan to deny the request from Humana to use the Old Charles Town Library meeting room. Motion carried.

IN RE: JEFFERSON COUNTY RESOLUTION THANKING MS. BRANDY SIMS FOR OUTSTANDING LEGAL COUNSEL AND SERVICES (GC)

With consideration to her reassignment to the Criminal Division, Commissioner Corliss commended Brandon Sims, Assistant Prosecuting Attorney for her hard work, commitment and dedication while serving as civil counsel for the Commission.

Motion by Corliss, second by Surkamp to adopt a Resolution for Assistant Prosecuting Attorney Sims recognizing and thanking her for outstanding legal representation and services to the Commission. Motion carried.

IN RE: ESTABLISHMENT OF A JEFFERSON COUNTY VOLUNTEER WELL WATER TABLE MONITORING PROGRAM (GC)

Motion by Corliss, second by R. Morgan to direct the Water Advisory Committee to implement a volunteer Well Water Table Monitoring Program within Jefferson County. Motion carried.

IN RE: DISCUSS DESIRABILITY OF COUNTY COMMISSION HIRING A PRIVATE ATTORNEY (GC)

Commissioner Corliss expressed his opinion on hiring private counsel after the reassignment of Assistant Prosecuting Attorney Brandon Sims and requested the Commission defer this matter to a later time. Commission members discussed the legalities of obtaining outside legal counsel to represent the Commission on civil matters. The Commission agreed to discuss this matter further during budget deliberations.

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator reported on her efforts in changing the Regional meeting with the County Commission Association of West Virginia officials to November 16, 2007.

Ms. Smith reminded the Commission of their scheduled conference call with Mr. Rodecker regarding the Cable Franchise Agreement on November 8, 2007. Commissioner F. Morgan requested Commission members review the draft cable Franchise Agreement thoroughly prior to the conference call.

IN RE: COUNTY COMMISSION REPORTS

Commissioner Corliss reported on the HEPO meeting he attended.

Commissioner R. Morgan expressed concerns with earlier comments made by Ms. Woelker with regard to the water rate increase request by Jefferson Utilities with the Public Service Commission. Commissioner F. Morgan clarified concerns stated by Ms. Woelker regarding the Public Service Commission.

Leslie D. Smith, County Administrator distributed various Public Service Announcements released on water conservation.

Commissioner Corliss expressed concerns with the status of Jefferson County drought conditions. The Commission requested that Leslie D. Smith contact Craig Yohn or Kellie Boles for information regarding drought conditions and water conservation restrictions.

IN RE: PUBLIC COMMENT

Ed Burns appeared before the Commission to express his concerns with County Commission session procedures and agenda policies.

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to report on the status of his research regarding the establishment of a water conservation plan or a drought contingency plan. Mr. Casimiro presented the Commission with a letter detailing his research and reported on the legalities of the Commission establishing a water conversation or a drought contingency plan. The Commission requested that Mr. Casimiro draft a letter to the Jefferson County Public Service District addressing the Commission's concerns with water conservation and drought for review by the Commission next week.

The Commission received the following information:

Reminder of budget workshop on Monday, October 29, 2007 at 10:00 a.m.

Notice of Public Hearing on the Resolution to Commit County Funds to the Shepherdstown Battlefield on Tuesday, October 30, 2007, at 7:00 p.m.

Notice received of a proclamation from Governor Manchin that bans all outdoor burning throughout West Virginia.

Response received from the Berkeley County Commission to the invitation to attend the November 9th legislative meeting.

Information received from Mark Kozar concerning the well water-monitoring program.

Correspondence received from Cordom Associates concerning the wage study RFP.

Correspondence received from Guardian concerning Transfer of Group Medical Plan's Utilization Management Program.

Order received from the Division of Highways concerning the addition of a section of highway.

Information received from the County Commissioners' Association concerning regional legislative meetings.

West Virginia Ethics Reporter received for October 2007.

Eastern Panhandle Transit Authority Board meeting minutes received.

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

Correspondence received from the Boys & Girls Club concerning their FY2008 budget allocation.

E-911 fees received from Level 3 Communications, LLC.

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

FRANCES B. MORGAN, COMMISSION PRESIDENT