

**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, August 28, 2008, beginning at 9:30 o'clock a.m.

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

Commissioner F. Morgan arrived at 9:35 a.m.

**In re: PLEDGE OF ALLEGIANCE**

Commissioner Corliss 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 special meeting held on Tuesday, August 19, 2008 and to approve the Minutes as prepared. Motion carried.

Motion by Corliss, second by Manuel to dispense with the reading of the Minutes for the meeting held on Thursday, August 21, 2008 and to approve the Minutes as prepared. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**

Motion by Manuel, second by Corliss to approve the following Purchase Orders for the Week of August 25, 2008, totaling \$11,763.54: 46103, 46104, 44438, 45878, 45883, 46021, 45970, 45971, 46017, 46018, 46019, 46020, 45930, 45626, 45627, 45628, 44538 and 45926. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**

Motion by Corliss, second by Manuel to approve the list of Accounts Payable totaling \$295,330.55 dated August 28, 2008 as presented by the County Clerk. Motion carried.

CK#	Dept	Vendor	PO#	PO Amt	Amt wo PO	Ck Amt
056514	413	ALLEGHENY POWER		\$0.00	\$56.56	\$56.56
056514	424	ALLEGHENY POWER		\$0.00	\$1,500.10	\$1,500.10
056514	425	ALLEGHENY POWER		\$0.00	\$5,572.27	\$5,572.27
056515	PAYROLL	AMERICAN FAMILY LIFE ICU		\$0.00	\$3,889.52	\$3,889.52
056516	401	ANIMAL WELFARE SOCIETY		\$0.00	\$10,000.00	\$10,000.00
056517	428	ACS GOVERNMENT SYSTEMS		\$0.00	\$11,460.70	\$11,460.70
056518	425	ABH SERVICES, INC.	46002	\$115.50	\$0.00	\$115.50

056519	ALLOC	BLUE RIDGE MTN FIRE CO.		\$0.00	\$25,000.00	\$25,000.00
056520	425	B-K OFFICE SUPPLY INC	46003	\$41.94	\$0.00	\$41.94
056521	406	BLUE RIDGE AUTO GLASS	46006	\$632.57	\$0.00	\$632.57
056522	700	COUNTRY ROADS TIRE & AUT	46013	\$540.69	\$0.00	\$540.69
056523	424	*CREAMERS AUTO SERVICE	46012	\$714.31	\$0.00	\$714.31
056523	700	*CREAMERS AUTO SERVICE	46016	\$73.65	\$0.00	\$73.65
056523	712	*CREAMERS AUTO SERVICE	46012	\$12.00	\$0.00	\$12.00
056524	700	CREAMERS WRECKER SVC	46011	\$72.35	\$0.00	\$72.35
056525	401	DUNN ENGINEERS, INC		\$0.00	\$2,220.00	\$2,220.00
056526	716	EASTERN PANHANDLE PRINT	45097	\$205.93	\$0.00	\$205.93
056527	424	FRONTIER COMMUNICATIONS		\$0.00	\$630.53	\$630.53
056528	424	FRONTIER		\$0.00	\$146.29	\$146.29
056529	439	SHANNON HAYDEN		\$0.00	\$36.86	\$36.86
056530	439	IKON OFFICE SOLUTIONS	45929	\$153.03	\$0.00	\$153.03
056531	700	COP	45618	\$915.89	\$0.00	\$915.89
056532	ALLOC	JEFF CO COUNCIL ON AGING		\$0.00	\$6,305.00	\$6,305.00
056533	425	JEFFERSON CO HEALTH DEPT	46005	\$30.00	\$0.00	\$30.00
056534	422	JEFFERSON PUBLISH CO INC	45907	\$48.00	\$0.00	\$48.00
056535	425	JEFFERSON COUNTY SOLID	46009	\$46.29	\$0.00	\$46.29
056535	808	JEFFERSON COUNTY SOLID		\$0.00	\$3,154.79	\$3,154.79
056536	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00
056537	700	MCKINNEY'S AUTO REPAIR	46014	\$244.33	\$0.00	\$244.33
056538	700	MAACO	45617	\$533.40	\$0.00	\$533.40
056539	716	CHRISTINA MILITO		\$0.00	\$223.21	\$223.21
056540	439	NATIONAL BUSINESS INST	45925	\$708.00	\$0.00	\$708.00
056541	712	**NAT'L ACDMY O/EMERGENC	45511	\$45.00	\$0.00	\$45.00
056542	716	NORTON EMBROIDERY INC	45099	\$279.00	\$0.00	\$279.00
056543	439	NATIONAL SEMINAR GROUP	45928	\$179.00	\$0.00	\$179.00
056544	401	POTOMAC HEADWATERS		\$0.00	\$5,000.00	\$5,000.00
056545	401	CHARLES TOWN RTCA COUNCI		\$0.00	\$3,000.00	\$3,000.00
056546	700	SHENANDOAH SALES & SERV	46010	\$28.95	\$0.00	\$28.95
056547	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$15.30	\$15.30
056547	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$24,445.59	\$24,445.59
056548	704	ST/WV REGIONAL JAIL &	46131	\$91,423.46	\$0.00	\$91,423.46
056549	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$0.00	\$7,581.46	\$7,581.46
056550	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$0.00	\$9,365.35	\$9,365.35
056551	424	SHANNON BUSINESS SYSTEMS	46004	\$1,681.81	\$0.00	\$1,681.81
056552	716	THOMASSEN FORD MERCURY	46015	\$241.96	\$0.00	\$241.96

056553	700	TASER INTERNATIONAL	45619	\$190.00	\$0.00	\$190.00
056554	425	THYSSEN KRUPP ELEVATOR	45779	\$2,286.00	\$0.00	\$2,286.00
056555	716	VITAL SIGNS	45098	\$450.00	\$0.00	\$450.00
056556	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$21,834.34	\$21,834.34
056557	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$50,946.62	\$50,946.62
056558	424	WALMART BUSINESS		\$0.00	\$25.32	\$25.32
056558	716	WALMART BUSINESS		\$0.00	\$27.68	\$27.68
<b>TOTALS</b>				<b>\$101,893.06</b>	<b>\$193,437.49</b>	<b>\$295,330.55</b>

**In re: BUILDING PROGRAM AND CAPITAL ACCOUNTS**

The Commission discussed the Building Program and Capital Accounts. The Commission agreed to hold a Special Session on Tuesday, September 2, 2008 at 10:00 a.m. The Commission agreed to invite the Building Commission.

**In re: EXONERATIONS**

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

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

Name	District	Type	Amount	Ticket #
Helen Yeon-Executive Cleaners	Ranson	Personal	\$125.92	313854

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

Name	District	Type	Amount	Ticket #
Nina Vogel	Charles Town Corp.	Real Estate	\$902.73	9801

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

Name	District	Type	Amount	Ticket #
Nancy Willingham	Ranson	Real Estate	\$707.46	26046

**In re: LEGISLATIVE ISSUES**

Commissioner R. Morgan discussed the Free Clinic space needs.

**In re: BONDING AND ACTIVITY REPORT**

There was no bonding report for the week of August 25, 2008.

Tony Redman, Director of Planning and Zoning appeared before the Commission for an update on the Zoning and Subdivision Ordinances and upcoming public hearings.

Mr. Redman distributed final draft copies of the Zoning Ordinance and Subdivision Regulations.

**In re: PUBLIC COMMENT**

Toni Milbourne appeared before the Commission to comment on a FOIA request.

**In re: VIRGINIA GRAF - WATER ADVISORY COMMITTEE - WELL MONITORING GRANT**

Virginia Graf and Judi Rice, Water Advisory Committee members appeared before the Commission to request that the Commission apply for a Well Monitoring Grant.

By consensus, the Commission agreed to place this matter on the agenda as New Business.

After discussion, motion by Corliss, second by R. Morgan to approve the request to apply for a grant for a Well Monitoring Program and to consider an allocation of \$1,500 toward the Program when the grant is approved. Motion carried.

**In re: BARBARA MILLER - NATIONAL PREPAREDNESS MONTH RESOLUTION**

Barbara Miller, Director of Homeland Security and Emergency Management appeared before the Commission to request that the Commission approve a Proclamation proclaiming September, 2008 as Preparedness Month in Jefferson County. Ms. Miller also discussed the donation of Tanker 19 to the Middleway Fire Department. The Commission agreed to place this item on next week's agenda.

Motion by Manuel, second by Corliss to approve the following Proclamation: Motion carried.

#### **A Proclamation of Preparedness Month in Jefferson County**

The County Commission of Jefferson County recognizes that National Preparedness Month is an opportunity to raise awareness about the importance of emergency preparedness and to encourage all citizens to better prepare their homes and communities for emergencies.

Protecting Jefferson County and citizens is a shared responsibility between individuals, families and the government. Individuals can prepare themselves and their families for emergencies by taking simple steps such as organizing an emergency supply kit, making a personal preparedness plan, becoming informed about different threats and risks, and getting involved in preparing their community. These activities create a culture of preparedness and can help save lives.

Jefferson County's Homeland Security and Emergency Management Office continues to work with other local, regional, state and federal agencies, along with the private sector, non-governmental organizations and volunteers to prepare for, mitigate, respond to, and recover from all types of emergencies and disasters. Together, we can significantly enhance our level of preparedness to further safeguard and secure our community.

This month is also an opportunity to pay tribute to our first responders who put themselves in harm's way for the safety of their fellow citizens. Law Enforcement officers, firefighters, and emergency service personnel exemplify the commitment and compassion that strengthen our community. We are ever grateful for their service and sacrifices.

During National Preparedness Month, JCHSEM will be holding Community Emergency Response Team (CERT) Training, holding a Family Preparedness Night at the Shepherdstown Fire Company, speaking about Senior Citizen preparedness at the Senior Citizen's Supper Club, and teaching Lunch-N-Learn sessions at area businesses.

Now therefore, we the County Commission of Jefferson County do hereby proclaim September, 2008 as Preparedness Month in Jefferson County, West Virginia and call upon all individuals, families, owners of pets, and businesses to recognize the importance of preparing for disasters and emergencies and to observe this month by participating in special events, activities and preparedness programs.

I hereby affix my signature as the President of the County Commission, this 28<sup>th</sup> day of August, 2008.

/s/ \_\_\_\_\_ Frances B. Morgan, President

**In re: SUSAN KENNISON - COUNTY PARKING LOT USE ON SATURDAYS FOR JEFFERSON BIZ MARKET**

Susan Kennison, appeared before the Commission to request use of the county parking lot on Saturdays for the Jefferson Biz Market. Motion by Manuel, second by Corliss to approve and allocate a portion of the county parking lot for use on Saturdays for the Jefferson Biz Market. Motion carried.

**In re: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION**

This matter was discussed under agenda item: "Bonding and Activity Report".

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

No action was taken on the agenda item.

**In re: APPOINTMENTS TO THE WATER ADVISORY COMMITTEE**

Motion by Manuel, second by R. Morgan to appoint Sue Lawton to the Water Advisory Committee for an unexpired term ending January 31, 2011. Motion carried.

The Commission took a 15-minute break at 10:15 a.m.

**In re: JAIL OPENING CELEBRATION COMMITTEE**

No action was taken on this agenda item.

**In re: MOTION TO APPROVE 4.75% PAY RAISE FOR ALL EMPLOYEES WHO HAVE NOT RECEIVED A PAY INCREASE**

Commissioner Manuel agreed to withdraw this agenda item.

**In re: RESTORATION OF THE BUDGET CUTS (RANGING FROM 2.5 TO 5 PERCENT) TO ALL  
Commissioner Manuel agreed to withdraw this agenda item.**

**In re: PATSY NOLAND - SALARY CLASS PLAN IMPLEMENTATION**

**Patsy Noland, Circuit Clerk appeared before the Commission to discuss the Salary Class Plan implementation and requested additional funding for her office to increase salaries. Ms. Noland commented on the Commission's decision to rescind August 7, 2008 pay raise.**

**Mike Thompson, Prosecuting Attorney was present and commented on the Wage Study and informed the Commission that he would like to participate in the Wage Study.**

**In re: WAGE/SALARY/JOB CLASSIFICATION STUDY**

**The Commission discussed the Wage/Salary/Job Classification Study. The Commission directed Leslie Smith, County Administrator to contact Don Jacobs, Consulting and to hold a meeting on September 17<sup>th</sup> and 18<sup>th</sup>, 2008 with Mr. Jacobs and to include the Department Heads and to invite the Elected Officials.**

**Motion by Manuel that the Jefferson County employees delineated in the Jacobs study for salary equity payments by a unanimous vote of the Commission members present and voting at the August 7<sup>th</sup> meeting be paid their wages due from July 1, 2008 until a majority vote of August 21<sup>st</sup> rescinded said action. Motion failed due to the lack of a 2<sup>nd</sup>.**

**In re: MIKE MOOD - MIDDLEWAY VOLUNTEER FIRE COMPANY - CERTIFIED FIRE  
COMPANY - REQUEST FOR FUNDING**

**Mike Mood, Chief of Middleway Volunteer Fire Company appeared before the Commission to inform the Commission that Middleway Fire Company passed the final approval of the State Fire Marshal's Office and now is a Certified Fire Company. Mr. Mood requested that the Commission release the allocation for the Middleway Fire Company. Motion by R. Morgan, second by Manuel to approve the allocation for the Middleway Fire Company for 10 months. Motion passed by a 4-1 vote. Commissioner Corliss voted no. For the record, Jay Watson, President, Jefferson County Fire and Rescue Association was present and thanked the Middleway Fire Company for providing services to the Middleway area.**

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

Jennifer Maghan, County Clerk appeared before the Commission and requested that New Business item "Approval of Employment - Janice Billek - Assistant Recorder - County Clerk's Office" be removed from the agenda and that no action be taken. By consensus, the Commission agreed to remove the agenda item.

**In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT**

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission for the weekly legal update and report.

Ms. Grove discussed the following:

- "To Do" list
- Rissler Brief
- Rattlesnake Run Brief
- Rebuttal Brief - City of Charles Town
- Free Clinic Building Space at Bardane - The Commission agreed to place this item

on next week's agenda.

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to report on the Public Service Commission cases regarding Jefferson Utilities, Inc.

**In re: STATE CRIMINAL ALIEN ASSISTANCE PROGRAM (SCAAP) - APPROVAL OF CONTRACT**

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on the State Criminal Alien Assistance Program Contract. Motion by Manuel, second by R. Morgan to approve the State Criminal Alien Assistance Program Contract and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion carried.

**In re: CPA SERVICES FOR JUI/SES ACCOUNTING**

Leslie Smith, County Administrator reported on the CPA Services requested for JUI/SES Accounting.

Motion by Manuel, second by R. Morgan to enter into Executive Session to discuss personnel issues. Motion passed by a 4-1 vote. Commissioner Corliss voted no.

Motion by Manuel, second by Corliss to enter into Regular Session. Motion carried.

The Commission recessed for lunch after Executive Session. The Commission reconvened at 1:30 p.m.

**In re: DEPARTMENT HEAD EVALUATION**

The Commission agreed to conduct a Department Head Evaluation with Mark Schiavone, Director of the Department of Planning and Capital Management.

Motion by Manuel, second by Corliss to enter into Executive Session to discuss personnel matters. Motion carried.

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

**In re: EXECUTIVE SESSION - CONTINUED**

Motion by Manuel, second by Surkamp that this Commission order its staff to remit the amount of pay increase for thirty-eight work days (seven weeks and three days) which accrued from July 1, 2008 to August 21, 2008, to those County employees who were awarded an increase in pay by action of this Commission on August 7, 2008, which increase was rescinded by action of this Commission on August 21, 2008; I further move that such payment shall only include the difference between what the employee was actually paid, and what they should have been paid, under the Jacobs study for that period; and I further move that this remittance of earned pay be performed as soon as practicable. Motion carried.

**In re: LETTER TO SHERIFF TO HAVE POLICY IN WHICH THE TREASURER PRESENTS MONTHLY TO THE COUNTY COMMISSION CURRENT CASH BALANCES AND STATUS OF ACCOUNTS GENERALLY, WITH PRINT-OUT**

Motion by Surkamp, second by R. Morgan to send a letter to the Sheriff and request for a monthly print-out with current cash balances and status of accounts. Motion passed by a 4-1 vote. Commissioner Corliss voted no. Leslie Smith, County Administrator reported that she receives the report from the Sheriff's Tax Office monthly and that she would provide copies for the Commission.

**In re: EXECUTIVE SESSION - PERSONNEL ISSUE**

Motion by F. Morgan, second by Surkamp to keep this item on the agenda as a permanent standing item. Amended motion by Manuel to keep this item a personnel issue only to be discussed and that it is to be requested by the individual employee. After discussion, Commissioner Manuel withdrew his amendment and Commissioner F. Morgan withdrew her motion.

**In re: SSI REPORT**

The Commission agreed to place this item on next week's agenda.

**In re: LEGAL COUNSEL - PERSONNEL**

The Commission agreed to hold this agenda item for two weeks.

**In re: JEFFERSON COUNTY MANAGEMENT STUDY**

The Commission removed this item from the agenda. No action was taken.

**In re: CPA SERVICES FOR JUI/SES ACCOUNTING - CONTINUED**

Leslie Smith, County Administrator reported on the CPA Services requested for JUI/SES Accounting and that four firms were contacted. No action was taken and the Commission agreed to remove this item from the agenda.

**In re: BARKING DOG ORDINANCE**

The Commission agreed to place this item on next week's agenda.

**In re: JANE E. GOSNELL, TRUSTEE - THE GOSNELL LIVING TRUST - REQUEST FOR APPEAL OF PROPERTY TAX ASSESSMENT**

The Commission agreed to have Leslie Smith, County Administrator send a letter to Jane Gosnell, Trustee and to inform her that the appeals are by year and that she can appeal the property assessment in February 2009 when the County Commission sits as a Board of Review and Equalization.

**In re: APPROVAL OF EMPLOYMENT - ELIZABETH CARRAWAY - PUBLIC SAFETY DISPATCHER**

Motion by Manuel, second by R. Morgan to approve the employment of Elizabeth Carraway - Public Safety Dispatcher. Motion carried.

**In re: EASTERN PANHANDLE TRANSIT AUTHORITY - REQUEST FOR ADDITIONAL FUNDING**

After discussion, the Commission agreed to place this item on next week's agenda.

**In re: DISCUSSION AND VOTE ON PLACING THE ZONING ORDINANCE BEFORE THE PEOPLE FOR A VOTE**

Motion by Manuel that the Commission, when at the appropriate time will place the zoning ordinance on the ballot for the public to vote on. Motion died due to the lack of a 2<sup>nd</sup>.

**In re: WEBSITE ISSUES**

Commissioner F. Morgan discussed website issues. No action was taken.

**In re: BUDGET**

Commissioner F. Morgan discussed the revenues and expenditures ending June 30, 2008.

**In re: COUNTY ADMINISTRATOR REPORTS**

Leslie D. Smith, County Administrator distributed the monthly revenue and expenditures report.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Manuel reported on the Council of Governments Meeting he attended. Commissioner F. Morgan reported on the Farmland Protection Board meeting she attended.

**The Commission received the following information:**

**Reminder Courthouse is Closed on Monday, September 1, 2008 - Labor Day.**

**Appointment to be made the Board of Health on Thursday, September 4, 2008.**

**Invitation received to attend the Ribbon Cutting of the Inn at Charles Town on September 6, 2008, at 10:00 a.m.**

**Signed statement from Dale Manuel and accompanying emails received from the County Clerk.**

**Memorandum received from the County Clerk concerning information for the County's financial statement.**

**Correspondence received from the West Virginia Division of Homeland Security and Emergency Management concerning the EMPG Grant.**

**Notice of Elections received from the West Virginia Employers' Mutual Insurance Company.**

Notice received from the County Commissioners' Association of a 5-day training workshop for Cyber Security: Incident Handling and Response, or Prevention, Deterrence, and Recovery on September 8-12, 2008.

E-911 fees received from AT&T IXCs & Alascom, M.E., ACN Communications Services, Inc., Level 3 Communications LLC, Comtel Telcom Assets LP, and IDT Corporation.

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

The Commission received the following correspondence:

Correspondence received from Rachel Douglas concerning the barking dog ordinance.

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

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Frances B. Morgan, Commission President