

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 11, 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; Commissioners

Commissioner Manuel was absent.

Commissioner Corliss is expected to arrive late in order to attend a 9-11 Remembrance Ceremony at Independent Fire Company.

IN RE: PLEDGE OF ALLEGIANCE

Commissioner Surkamp conducted the Pledge of Allegiance

IN RE: MOMENT OF SILENCE

The Commission observed a Moment of Silence in memory of the lives lost on September 11, 2001.

IN RE: APPROVAL OF MINUTES

Motion by R. Morgan, second by Surkamp to dispense with the reading of the Minutes for the meeting held on Thursday, September 4, 2008 and to approve the Minutes as amended. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS

Motion by R. Morgan, second by Surkamp to approve the following Purchase Orders for the week of September 11, 2008 totaling \$47,594.97: 45891, 45980, 45983, 45984, 45602, 46044, 45700, 46026, 46039, 46041, 45927, 45932, 45843, 45844, 45845, 45846, 45631, 46045 and 44540. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE

Motion by R. Morgan, second by Surkamp to approve the list of Accounts Payable totaling \$578,025.72 dated September 11, 2008 contingent upon Commissioner Corliss' review and approval. Motion carried.

CK#	Dept	Vendor	PO#	PO Amt	Amt wo PO	Ck Amt
056621	424	USA MOBILITY WIRELESS,IN		\$0.00	\$200.17	\$200.17
056621	700	USA MOBILITY WIRELESS,IN		\$0.00	\$397.95	\$397.95
056621	712	USA MOBILITY WIRELESS,IN		\$0.00	\$421.30	\$421.30
056622	716	ALPHA TECH PET	46029	\$247.20	\$0.00	\$247.20
056623	424	BOLAND SERVICES	45112	\$166.00	\$0.00	\$166.00
056623	425	BOLAND SERVICES	45112	\$427.00	\$0.00	\$427.00
056623	425	BOLAND SERVICES	45163	\$385.00	\$0.00	\$385.00
056624	401	BERKELEY CO COMMISSION		\$0.00	\$78.94	\$78.94
056625	403	CASTO & HARRIS INC	45825	\$1,597.15	\$0.00	\$1,597.15
056626	700	COUNTRY ROADS TIRE	46036	\$380.12	\$0.00	\$380.12
056627	700	*CREAMERS AUTO SERVICE	46035	\$1,201.31	\$0.00	\$1,201.31
056628	424	CHARLES TOWN WATER		\$0.00	\$128.62	\$128.62
056628	425	CHARLES TOWN WATER		\$0.00	\$853.10	\$853.10
056629	405	JAMES CASIMIRO III		\$0.00	\$256.30	\$256.30
056630	439	CHRISTINE CHALMERS		\$0.00	\$6.55	\$6.55
056631	403	DAYTON LEGAL BLANK	46136	\$271.60	\$0.00	\$271.60
056632	ALLOC	DUFFIELDS STATIONS INC.		\$0.00	\$3,000.00	\$3,000.00
056633	712	EARTHLINK INC		\$0.00	\$21.95	\$21.95
056634	428	ESI ECOM COMPUTER DIV	45547	\$2,188.81	\$0.00	\$2,188.81
056635	412	FRONTIER		\$0.00	\$421.33	\$421.33
056635	415	FRONTIER		\$0.00	\$331.27	\$331.27
056635	424	FRONTIER		\$0.00	\$15,525.13	\$15,525.13
056635	712	FRONTIER		\$0.00	\$3,882.86	\$3,882.86
056636	401	FIFTH THIRD BANK		\$0.00	\$90.00	\$90.00
056636	402	FIFTH THIRD BANK		\$0.00	\$88.08	\$88.08
056636	402	FIFTH THIRD BANK		\$0.00	\$29.95	\$29.95
056636	403	FIFTH THIRD BANK		\$0.00	\$1,886.83	\$1,886.83

056636	422	FIFTH THIRD BANK		\$0.00	\$102.99	\$102.99
056636	422	FIFTH THIRD BANK		\$0.00	\$265.00	\$265.00
056636	424	FIFTH THIRD BANK		\$0.00	\$1,050.81	\$1,050.81
056636	433	FIFTH THIRD BANK		\$0.00	\$36.00	\$36.00
056636	439	FIFTH THIRD BANK		\$0.00	\$19.47	\$19.47
056636	439	FIFTH THIRD BANK		\$0.00	\$156.95	\$156.95
056636	440	FIFTH THIRD BANK		\$0.00	\$400.00	\$400.00
056636	700	FIFTH THIRD BANK		\$0.00	\$288.52	\$288.52
056636	700	FIFTH THIRD BANK		\$0.00	\$99.95	\$99.95
056636	700	FIFTH THIRD BANK		\$0.00	\$675.00	\$675.00
056636	711	FIFTH THIRD BANK		\$0.00	\$10.00	\$10.00
056636	711	FIFTH THIRD BANK		\$0.00	\$95.40	\$95.40
056636	711	FIFTH THIRD BANK		\$0.00	\$246.95	\$246.95
056636	712	FIFTH THIRD BANK		\$0.00	\$61.03	\$61.03
056636	712	FIFTH THIRD BANK		\$0.00	\$10.49	\$10.49
056636	712	FIFTH THIRD BANK		\$0.00	\$14.95	\$14.95
056636	712	FIFTH THIRD BANK		\$0.00	\$37.43	\$37.43
056637	700	GALLS INCORPORATED	45630	\$314.20	\$0.00	\$314.20
056638	425	GRAINGER, INC	46027	\$170.52	\$0.00	\$170.52
056638	425	GRAINGER, INC	46027	\$662.85	\$0.00	\$662.85
056639	405	STEPHANIE GROVE		\$0.00	\$30.22	\$30.22
056640	401	IKON OFFICE SOLUTIONS		\$0.00	\$272.25	\$272.25
056641	716	INWOOD ANIMAL CENTER	45702	\$184.59	\$0.00	\$184.59
056642	ALLOC	JEFF CO DEV AUTH		\$0.00	\$79,052.00	\$79,052.00
056643	ALLOC	JEFFERSON CO AMBULANCE		\$0.00	\$393,000.00	\$393,000.00
056644	401	JEFFERSON PUBLISH CO INC		\$0.00	\$438.90	\$438.90
056645	700	JIM'S AUTO REPAIR	46032	\$347.97	\$0.00	\$347.97
056646	413	JEFFERSON UTILITIES INC		\$0.00	\$18.00	\$18.00
056646	425	JEFFERSON UTILITIES INC		\$0.00	\$234.00	\$234.00
056647	412	JUDITH A MATLICK		\$0.00	\$446.56	\$446.56
056648	424	VERIZON BUSINESS		\$0.00	\$1,109.98	\$1,109.98
056649	ALLOC	MIDDLEWAY VOLUNTEER		\$0.00	\$20,833.00	\$20,833.00
056650	425	PC RENEWAL	46030	\$514.90	\$0.00	\$514.90
056651	425	LANDMARK ELEVATOR INC.	45740	\$240.00	\$0.00	\$240.00
056652	401	ROBERT R. RODECKER		\$0.00	\$262.71	\$262.71
056653	439	TONY REDMAN		\$0.00	\$735.93	\$735.93
056654	405	HASSAN RASHEED		\$0.00	\$303.24	\$303.24
056655	PAYROLL	RETIREE HLTH BENEFIT TRS		\$0.00	\$8,265.00	\$8,265.00
056656	404	SHERIFF OF JEFFERSON CO	44539	\$58.50	\$0.00	\$58.50
056657	428	SOFTWARE SYSTEMS, INC	46001	\$488.00	\$0.00	\$488.00
056657	401	SOFTWARE SYSTEMS, INC		\$0.00	\$164.00	\$164.00
056657	402	SOFTWARE SYSTEMS, INC		\$0.00	\$2,627.50	\$2,627.50
056657	403	SOFTWARE SYSTEMS, INC		\$0.00	\$812.00	\$812.00
056657	404	SOFTWARE SYSTEMS, INC		\$0.00	\$1,518.00	\$1,518.00
056657	428	SOFTWARE SYSTEMS, INC		\$0.00	\$21.95	\$21.95
056657	439	SOFTWARE SYSTEMS, INC		\$0.00	\$61.00	\$61.00
056657	440	SOFTWARE SYSTEMS, INC		\$0.00	\$335.50	\$335.50
056657	700	SOFTWARE SYSTEMS, INC		\$0.00	\$2,359.16	\$2,359.16
056657	712	SOFTWARE SYSTEMS, INC		\$0.00	\$1,177.70	\$1,177.70
056658	406	SHEETZ FLEET FUELING		\$0.00	\$409.18	\$409.18
056658	424	SHEETZ FLEET FUELING		\$0.00	\$1,721.25	\$1,721.25
056658	440	SHEETZ FLEET FUELING		\$0.00	\$895.59	\$895.59
056658	700	SHEETZ FLEET FUELING		\$0.00	\$12,163.13	\$12,163.13
056658	711	SHEETZ FLEET FUELING		\$0.00	\$467.77	\$467.77
056658	712	SHEETZ FLEET FUELING		\$0.00	\$343.26	\$343.26
056658	716	SHEETZ FLEET FUELING		\$0.00	\$1,054.43	\$1,054.43

056659	425	SHERWIN-WILLIAMS	45476	\$969.57	\$0.00	\$969.57
056660	425	HAGEMEYER	45736	\$3,018.34	\$0.00	\$3,018.34
056661	700	SHANNON R. TRAVIS	45629	\$357.00	\$0.00	\$357.00
056662	402	UNITED SYS & SOFTWARE		\$0.00	\$195.00	\$195.00
056662	403	UNITED SYS & SOFTWARE		\$0.00	\$167.00	\$167.00
056663	716	VALLEY PET CEMETERY		\$0.00	\$293.00	\$293.00
056664	424	ARAMARK / WEARGUARD	45800	\$655.61	\$0.00	\$655.61
056665	413	REVA MICKEY		\$0.00	\$100.00	\$100.00
056666	413	GARY DUNGAN		\$0.00	\$100.00	\$100.00
TOTAL				\$14,846.24	\$563,179.48	\$578,025.72

IN RE: LEGISLATIVE ISSUES

Commissioner Surkamp reported on his discussions with Governor Manchin regarding business development in Jefferson County. Mr. Surkamp read aloud a draft letter he requested be sent to Governor Manchin expressing appreciation for his support for Jefferson County business development.

Motion by Surkamp, second by F. Morgan to send Commissioner Surkamp's letter to Governor Manchin as well as the Legislative Delegation. Motion carried.

Commissioner Surkamp reported on the status of House Bill 6049. The Commission agreed to place this matter on next week's agenda for further discussion.

IN RE: BONDING AND ACTIVITY REPORT

- **REQUEST FOR BOND EXTENSION - COMMUNITY OF BEALLAIR**
- **REQUEST TO ADVERTISE TO FILL COUNTY ENGINEER POSITION**

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Surkamp to approve the complete release of a construction bond in the amount of \$119,600.00 for Gerald A. Miller – Miller Station Commercial Subdivision, Lots 1-8. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Surkamp to approve the complete release of a construction bond in the amount of \$49,132.49 for Applebee's International Incorporated. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by R. Morgan, second by Surkamp to approve the partial release of a construction bond surety in the amount of \$17,233.00 for P.K.C., LLC – Locust Hill Townhouses, Phase III, Lots 56-95 with the County to retain \$60,979.00. Motion carried.

Roger Goodwin, Chief County Engineer reported on a bond extension request for the Community of BeallAir Subdivision, Phase I in the amount of \$806,617.00. Mr. Mike Wiley, BeallAir Subdivision Contractor was present for comments.

Motion by F. Morgan, second by R. Morgan to approve the bond extension for Community of BeallAir Subdivision, Phase I for 18 months as requested. Motion carried.

Mr. Goodwin reported on Damien Davis' resignation as County Engineer and requested Commission approval to advertise for the position. The Commission agreed by consensus to authorize Mr. Goodwin to advertise for the vacant County Engineer position.

Mr. Goodwin provided a status report on the progress of Dunn Engineer's Mountain Water System Study.

Tony Redman, Director of Planning and Zoning appeared before the Commission to remind the Commission of the Zoning and Subdivision Ordinance Public Hearing scheduled for Saturday, September 13, 2008.

Mr. Redman requested the Commission enter into an Executive Session to discuss personnel issues. The Commission agreed to hold an executive session later in the day.

IN RE: FILING FEES FOR FARAWAY FARMS COMPLAINT

Tony Redman, Director of Planning and Zoning withdrew this agenda item.

IN RE: PUBLIC COMMENT

Paul Rosa appeared before the Commission to request the Commission's review and consideration of his draft "Joint Emergency Services Board" Ordinance and legal memorandum previously presented.

IN RE: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS DISCUSSION

No action was taken on this agenda item.

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

No action was taken on this agenda item.

IN RE: JAIL OPENING CELEBRATION COMMITTEE

No action was taken on this agenda item.

IN RE: VIRGINIA GRAF - WATER ADVISORY COMMITTEE WASTE DISPOSAL GRANT

Virginia Graf, Water Advisory Committee member appeared before the Commission to request approval and financial support for two (2) grant applications being filed by the Water Advisory Committee to promote education and awareness on the effects of waste disposal and to erect signs warning of the effects of waste disposal in watershed areas. Ms. Graf reported on the status of the grant applications, donations by the Solid Waste Authority and the Board of Education in support of the grants and necessary grantee assurances by the Commission.

Motion by R. Morgan, second by Surkamp to authorize \$1,000.00 from the rainy day fund and for the County to serve as fiscal agent for the Water Advisory Committee in support of the proposed Waste Disposal Grant. Motion carried.

Motion by Surkamp, second by R. Morgan to authorize \$100.00 from the rainy day fund in support of the Water Advisory Committee's Watershed Signage Grant. Motion carried.

Roger Ethier, Water Advisory Committee member was present for comments.

IN RE: APPROVAL OF EMPLOYMENT - BROOKE SHIPE - PUBLIC SAFETY DISPATCHER

Motion by Surkamp, second by R. Morgan to approve the employment of Brooke Shipe as Public Safety Dispatcher. Motion carried.

IN RE: REGION 9 - MOUNTAIN WATER PROJECT - INCOME SURVEY

Motion by R. Morgan, second by Surkamp to send a letter to the Eastern Panhandle Regional Planning and Development Council in support of their proposed income survey and to request additional information. Motion carried.

IN RE: SHEPHERDSTOWN FIRE DEPARTMENT - REQUEST FOR COUNTY COMMISSIONER PARTICIPATION IN A SEMINAR EXERCISE

Commissioner Surkamp agreed he would attend the Seminar Exercise at Shepherdstown Fire Department.

IN RE: D.I. JACOBS CONSULTING COMPANY - PROPOSAL TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY

Leslie D. Smith, County Administrator reported on the meeting schedule with Don Jacobs during his visit from Wednesday, September 17th-Thursday, September 18th.

The Commission discussed the contents of the Classification and Compensation Study proposal to include Elected Officials and Department Heads.

Commissioner Surkamp requested to be present during Mr. Jacob's meeting with County Department Heads. It was agreed that Ms. Smith would provide the Commission with a schedule of Mr. Jacob's meetings.

IN RE: JACOBS STUDY

This matter was discussed under agenda item: "D.I. Jacobs Consulting Company - Proposal to Conduct a Classification and Compensation Study".

IN RE: SCHOOL IMPACT FEE RECALCULATION

Leslie D. Smith, County Administrator reported on the RFP proposal for recalculation of School Impact Fees by Mark Schiavone, Director of the Department of Capital Planning and Management. Ms. Smith reported that a recalculation is necessary every three (3) years and was previously conducted by Tischler and Associates.

The Commission agreed by consensus to hold this matter over for one week in order to receive input from Mr. Schiavone.

Commissioner Corliss arrived at 10:25 a.m.

IN RE: D.I. JACOBS CONSULTING COMPANY - PROPOSAL TO CONDUCT A CLASSIFICATION AND COMPENSATION STUDY – CONTINUED

The Commission revisited this agenda item upon Commissioner Corliss' arrival. Commissioner Corliss reported on his approval and support of the proposed Classification and Compensation Study for County Elected Officials.

Motion by Corliss, second by R. Morgan to approve the proposal by Mr. Don Jacobs to conduct a classification and compensation study for Elected Officials. Motion carried.

The Commission took a 15-minute break at 10:30 a.m.

IN RE: MARK SCHIAVONE & JAY WATSON - UPDATE OF FIRE/EMS FEES

Jay Watson from the Jefferson County Fire and Rescue Association appeared before the Commission for a Fire/EMS fee status report.

Mr. Watson reported on the 9-1-1 Remembrance Ceremony hosted by Independent Fire Company

and expressed appreciated for a Commission representative being present.

Mr. Watson reported on the goals and objectives of the proposed Joint Emergency Service Board and reported on the timely necessity of a Joint Emergency Service Board.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on a letter and draft ordinance from Jefferson County Ambulance Authority legal council regarding a proposed Joint Emergency Service Board.

Pete Kelley and Paul Rosa were present for comments.

The Commission agreed by consensus that Ms. Grove review the proposed ordinance and provide her legal opinion to the Commission next week for further consideration.

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

➤ **NEW HIRE APPROVAL - LISA A. BOWERS TO THE COUNTY CLERK'S OFFICE AS AN ASSISTANT RECORDER**

➤ **APPROVAL OF POLL WORKERS FOR THE GENERAL ELECTION**

➤ **REQUEST OF COUNTY COMMISSION - TO HAVE THE MAINTENANCE DEPARTMENT DELIVER AND RETURN VOTING EQUIPMENT TO AND FROM PRECINCTS**

Nikki Painter, Deputy Clerk appeared before the Commission for the weekly County Clerk's report.

Motion by Surkamp, second by R. Morgan to approve the employment of Lisa A. Bowers as an Assistant Recorder for the County Clerk's Office. Motion carried.

Ms. Painter reported on the Democratic and Republican Executive Committee's poll worker lists for the General Election and requested their approval. Motion by R. Morgan, second by Corliss to approve the list of Poll Workers for the 2008 General Election as recommended by the Democratic and Republican Executive Committee. Motion carried.

Ms. Painter discussed Ms. Maghan's request that the County authorize the Maintenance Department to deliver and return voting equipment to and from precincts for the November General Election.

Bill Polk was present for comments and reported on the regular duties of Maintenance Department personnel.

The Commission agreed by consensus that Mr. Polk, Ms. Maghan and Ms. Smith could resolve this problem in their own.

IN RE: STEPHANIE GROVE – LEGAL UPDATE AND REPORT

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

Ms. Grove reported on the following:

➤ Her review and revisions to the proposed Barking Dog Ordinance as previously recommended by the Commission. Ms. Grove reminded the Commission of the public hearing scheduled for October 2, 2008.

➤ The Civil Division's "to do" list.

➤ Seeking an Attorney General's opinion regarding the proposed Joint Emergency Services Board.

➤ Rebuttal concerning the Charles Town Impact Fee case, and;

➤ The Order received in the Ranson Impact Fee case.

IN RE: BARKING DOG ORDINANCE

This matter was discussed under agenda item: "Stephanie Grove – Legal Update and Report".

IN RE: APPOINTMENTS TO THE FARMLAND PROTECTION BOARD

Motion by R. Morgan, second by Surkamp to reappoint Peter Fricke as a non-farmer representative to the Farmland Protection Board for one four year term ending September 7, 2012. Motion carried.

Motion by R. Morgan, second by Surkamp to reappoint Robert Henshaw as a farmer representative to the Farmland Protection Board representing for one four year term ending September 7, 2012. Motion carried.

IN RE: HISTORIC LANDMARKS COMMISSION - PATH TRANSMISSION LINES

Commissioner Surkamp reported on the letters received from the Historic Landmarks Commission expressing concerns with the proposed alignment of PATH transmission lines.

The Commission agreed by consensus to authorize Leslie D. Smith, County Administrator to research this matter further and report back to the Commission next week.

IN RE: PSD AND RECOMMENDED SERVICE AREA ADJUSTMENT

Commissioner Surkamp agreed to table this agenda item for one week.

IN RE: HIRING COUNSEL FOR PERSONNEL MATTERS - NOT TO EXCEED \$3,000 - AND DUTIES TO INCLUDE NEGOTIATIONS

Motion by Surkamp to hire outside counsel for personnel matters not to exceed \$3,000.00 and duties to include negotiations. Motion died due to lack of a second.

Motion by F. Morgan, second by R. Morgan to table this matter for two weeks. Motion carried.

IN RE: COUNTY COMMISSION REPORTS

Commissioner F. Morgan reported on the Groundbreaking Ceremony she attended for the Morgan County Courthouse.

Commissioner F. Morgan reported on the Special Public Service District meeting regarding the JUI rate case she attended.

Commissioner F. Morgan reported on the Regular Public Service District meeting she attended.

Commissioner Surkamp reported on the Public Service District meeting he attended.

Commissioner Corliss reported on the Region 9 meeting he attended.

Commissioner Surkamp reported on the Grand Opening Ceremony for the Inn in Charles Town he attended.

IN RE: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator presented the Commission with a request from Lt. Tom Hansen from the Jefferson County Sheriff's Office for approval of an additional Transport Deputy/Court Bailiff, James Earl Sigler. Motion by R. Morgan, second by Corliss to approve James Earl Sigler as a Transport Deputy/Court Bailiff for the Jefferson County Sheriff's Office. Motion carried.

Leslie D. Smith, County Administrator reported on the availability of a Smith Nadenbousch Insurance Representative as previously requested by the Commission in order to discuss BRIM coverage.

Leslie D. Smith, County Administrator distributed copies of the County's weekly revenue and expenditure reports and the Sheriff's monthly report to the Commission.

IN RE: COUNTY COMMISSION WORKSHOP

No County Commission workshop was held this week.

IN RE: TONY REDMAN – EXECUTIVE SESSION

Motion by Corliss, second by R. Morgan to enter into Executive Session with Tony Redman, Director of Planning and Zoning as requested earlier in the meeting. Motion carried. Leslie D. Smith, County Administrator was present during Executive Session.

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

The Commission received the following information:

Impact Fee Status Report received for August 2008.

Memorandums concerning transfers of funds received from the Department of Capital Planning and Management.

Monthly Activity Report received from Animal Control.

Correspondence received from the Charles Town Chaplaincy Services concerning their budget allocation.

Correspondence received from the City of Charles Town concerning Apple Valley Waste.

Notice received from the Association of Counties of the Fall Board Meeting on October 5-7, 2008.

Information received from the County Commissioners' Association of the Fall Board & Legislative Committee meeting on September 28-29, 2008.

Notice of Public Hearing and Display of FY2007 Consolidated Annual Performance and Evaluation Report for the Community Development Block Grant Program on September 22, 2008, at 11:00 a.m.

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

The Commission received the following correspondence

Correspondence received concerning Jefferson Utilities from: Jennifer & Russ Thompson, Jacquelyn Milliron, John Urciolo, Richard Pescitani, Wayne Moore and Chris C. Phaire.

Correspondence received from John Piwowarski.

Correspondence received from Fred Blackmer concerning hiring a management company.

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

FRANCES B. MORGAN, COMMISSION PRESIDENT

