

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, January 15, 2009, beginning at 9:30 o'clock a.m.

PRESENT: Dale Manuel, President;
James Surkamp; Frances B. Morgan;
Patricia A. Noland; Lyn Widmyer; Commissioners

Commissioner Noland was absent due to a prior commitment.
Commissioner Morgan arrived later in the meeting.

In re: PLEDGE OF ALLEGIANCE

Commissioner Surkamp conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES

Motion by Widmyer, second by Surkamp to dispense with the reading of the Minutes for the meeting held on Thursday, January 8, 2009, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS

Motion by Manuel, second by Surkamp to approve the following Purchase Orders for the Week of January 12, 2009, totaling \$102,777.22: 46484, 45549, 46303, 45998, 42449, 46284, 46511, 46513, and 46514. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Surkamp, second by Widmyer to approve the list of the Accounts Payable dated January 15, 2009, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CK Amt
057722	425	ALLEGHENY POWER		\$0.00	\$541.72	\$541.72
057723	712	APCO INTERNATIONAL INC	46258	\$1,564.00	\$0.00	\$1,564.00
057724	424	AT&T/NJ		\$0.00	\$3.45	\$3.45
057725	700	AMERICAN INTERNATIONAL		\$0.00	\$2,500.00	\$2,500.00
057726	424	USA MOBILITY WIRELESS,IN		\$0.00	\$88.86	\$88.86
057726	700	USA MOBILITY WIRELESS,IN		\$0.00	\$396.95	\$396.95
057726	712	USA MOBILITY WIRELESS,IN		\$0.00	\$424.28	\$424.28
057727	439	B-K OFFICE SUPPLY INC	46427	\$413.15	\$0.00	\$413.15
057728	424	BOLAND SERVICES	46365	\$166.00	\$0.00	\$166.00
057728	425	BOLAND SERVICES	45163	\$385.00	\$0.00	\$385.00

057728	425	BOLAND SERVICES	46365	\$427.00	\$0.00	\$427.00
057729	401	CO COMMISSIONERS ASSOC		\$0.00	\$135.00	\$135.00
057730	712	COUNTRY ROADS TIRE & AUT	46361	\$528.80	\$0.00	\$528.80
057731	424	*CREAMERS AUTO SERVICE	46509	\$38.72	\$0.00	\$38.72
057731	440	*CREAMERS AUTO SERVICE	46509	\$38.65	\$0.00	\$38.65
057731	700	*CREAMERS AUTO SERVICE	46508	\$455.97	\$0.00	\$455.97
057732	405	MARCIA L. CHANDLER, RPR	46241	\$407.40	\$0.00	\$407.40
057733	700	CARS/COMPLETE AUTO REPAI	46507	\$1,443.94	\$0.00	\$1,443.94
057734	978	DELL MARKETING LP	46239	\$1,003.32	\$0.00	\$1,003.32
057735	712	EARTHLINK INC		\$0.00	\$21.95	\$21.95
057736	402	FIFTH THIRD BANK		\$0.00	\$29.95	\$29.95
057736	405	FIFTH THIRD BANK		\$0.00	\$330.00	\$330.00
057736	433	FIFTH THIRD BANK		\$0.00	\$250.00	\$250.00
057736	433	FIFTH THIRD BANK		\$0.00	\$7.20	\$7.20
057736	440	FIFTH THIRD BANK		\$0.00	\$190.00	\$190.00
057736	700	FIFTH THIRD BANK		\$0.00	\$274.31	\$274.31
057736	700	FIFTH THIRD BANK		\$0.00	\$15.00	\$15.00
057736	700	FIFTH THIRD BANK		\$0.00	\$18.88	\$18.88
057736	700	FIFTH THIRD BANK		\$0.00	\$600.00	\$600.00
057736	711	FIFTH THIRD BANK		\$0.00	\$288.23	\$288.23
057736	712	FIFTH THIRD BANK		\$0.00	\$47.68	\$47.68
057736	712	FIFTH THIRD BANK		\$0.00	\$730.45	\$730.45
057736	712	FIFTH THIRD BANK		\$0.00	\$37.16	\$37.16
057737	425	GRAINGER, INC	46074	\$637.68	\$0.00	\$637.68
057738	716	HILLSIDE VETERINARY HOSP	46506	\$85.10	\$0.00	\$85.10
057739	425	HALLTOWN PAPERBOARD CO	46517	\$35.00	\$0.00	\$35.00
057740	428	INFOPRINT		\$0.00	\$594.00	\$594.00
057741	712	KON OFFICE SOLUTIONS	46257	\$248.52	\$0.00	\$248.52
057742	428	IBM CORPORATION		\$0.00	\$1,338.00	\$1,338.00
057743	700	JAY'S AUTOMOTIVE	46510	\$293.67	\$0.00	\$293.67
057744	425	JEFFERSON COUNTY SOLID	46503	\$35.55	\$0.00	\$35.55
057745	413	JEFFERSON UTILITIES INC		\$0.00	\$20.12	\$20.12
057745	425	JEFFERSON UTILITIES INC		\$0.00	\$261.61	\$261.61
057746	712	LANGUAGE LINE SERVICES		\$0.00	\$329.34	\$329.34
057747	403	MATTHEW BENDER & CO	46485	\$81.85	\$0.00	\$81.85
CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CK Amt
057747	401	MATTHEW BENDER & CO		\$0.00	\$81.85	\$81.85
057748	405	MARRIOTT INTERNATIONAL	46242	\$226.52	\$0.00	\$226.52
057749	424	VERIZON BUSINESS		\$0.00	\$1,104.68	\$1,104.68
057750	443	JEFF CO PARKS &		\$0.00	\$26,892.50	\$26,892.50
057751	402	PIFER OFFICE SUPPLY, INC	46213	\$281.99	\$0.00	\$281.99
057751	402	PIFER OFFICE SUPPLY, INC	46383	\$375.22	\$0.00	\$375.22
057751	403	PIFER OFFICE SUPPLY, INC	46160	\$117.90	\$0.00	\$117.90
057752	424	LANDMARK ELEVATOR INC.	45740	\$80.00	\$0.00	\$80.00
057752	425	LANDMARK ELEVATOR INC.	45740	\$240.00	\$0.00	\$240.00
057753	424	ROACH OIL COMPANY		\$0.00	\$636.76	\$636.76
057753	425	ROACH OIL COMPANY		\$0.00	\$721.36	\$721.36
057754	425	RCS SECURITY	46505	\$69.30	\$0.00	\$69.30
057754	425	RCS SECURITY	46505	\$54.00	\$0.00	\$54.00

057755	405	HASSAN RASHEED		\$0.00	\$434.45	\$434.45
057756	401	SOFTWARE SYSTEMS, INC		\$0.00	\$364.50	\$364.50
057756	402	SOFTWARE SYSTEMS, INC		\$0.00	\$1,176.50	\$1,176.50
057756	403	SOFTWARE SYSTEMS, INC		\$0.00	\$1,133.33	\$1,133.33
057756	404	SOFTWARE SYSTEMS, INC		\$0.00	\$759.00	\$759.00
057756	700	SOFTWARE SYSTEMS, INC		\$0.00	\$2,126.49	\$2,126.49
057757	405	SPECIALTY BUS SUPPLIES	46244	\$856.93	\$0.00	\$856.93
057758	405	STAPLES CREDIT PLAN	46240	\$366.93	\$0.00	\$366.93
057759	704	ST/WV REGIONAL JAIL &	46302	\$285.18	\$0.00	\$285.18
057760	425	SPECTRUM FIRE PROTECTION	46504	\$200.00	\$0.00	\$200.00
057761	425	SHENANDOAH VALLEY WATER		\$0.00	\$490.72	\$490.72
057762	403	SUPER WAREHOUSE	46482	\$570.95	\$0.00	\$570.95
057763	425	HAGEMEYER	46341	\$702.94	\$0.00	\$702.94
057764	402	UNITED SYSTEMS & SOFTWARE		\$0.00	\$195.00	\$195.00
057764	403	UNITED SYSTEMS & SOFTWARE		\$0.00	\$167.00	\$167.00
057765	425	VALLEY HARDWARE COMPANY	46339	\$109.42	\$0.00	\$109.42
057766	700	VITAL SIGNS	46175	\$1,450.00	\$0.00	\$1,450.00
057767	712	VERIZON		\$0.00	\$8,063.97	\$8,063.97
057768	405	WEST PAYMENT CENTER	46243	\$2,447.38	\$0.00	\$2,447.38
057769	403	WV ASSOCIATION/COUNTIES	46153	\$80.00	\$0.00	\$80.00
057770	415	WV STATE AUDITOR**		\$0.00	\$18,370.00	\$18,370.00
057771	401	WORKTECH		\$0.00	\$100.00	\$100.00
057772	PAYROLL	WV BUREAU OF EMPLOYMENT		\$0.00	\$3,926.43	\$3,926.43
057773	PAYROLL	WVNET		\$0.00	\$16.67	\$16.67
TOTAL				\$16,803.98	\$76,235.35	\$93,039.33

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$598.02
402/CCLK	CO. CLERK	\$2,058.66
403/CIR CLK	CIRCUIT CLERK	\$2,151.03
404/TAX	TAX OFFICE	\$759.00
405/PA	PROS ATTY	\$5,069.61
406/ASSR	ASSESSORS	
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	
413/ELE	ELECTION	\$20.12
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	\$18,370.00
422/CP&M	CAPITAL PLANNING & MNGMNT	
424/CTHS	COURT HOUSE	\$2,118.47
425/OB	OTHER BUILDING	\$4,911.30
428/DATAP	DATA PROCESSING	\$1,932.00
430/HLS	HOMELAND SEC	
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	\$257.20
439/PZ	PLANNING ZONING	\$413.15
440/ENG.	DEPT OF ENGINEERING	\$228.65
451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$9,575.21
701/SHRF	SHERIFF DEPT	

704/WV JAIL	ST/WV REGIONAL JAIL	\$285.18
711/OES	EMERG SVC	\$288.23
712/911	911 COMMUNICATION	\$11,996.15
716/A/C	ANIMAL CONTROL	\$85.10
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	\$1,003.32
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	
ALLOC	ALLOCATIONS	
GRANTS	GRANTS	\$26,892.50
PAYROLL	PAYROLL	\$4,026.43
TOTALS		\$93,039.33

In re: PUBLIC COMMENT

Ed Burns commented on the zoning ordinance petition and election.

In re: BONDING

Rebecca Burns, Bonding Administrator, appeared before the Commission to request approval of bonding. Motion by Surkamp, second by Widmyer to approve the partial release of a letter of credit in the amount of \$324,767 for Beallair Subdivision, with the County to retain \$481,850. Motion carried.

Motion by Widmyer, second by Surkamp to approve the complete release of an escrow account in the amount of \$3,936 for Frank Huai-Jer Chow - Frank Chow Apartments. Motion carried.

In re: LEGISLATIVE ISSUES

The Commission discussed the appointments of Jefferson County legislators to various committees.

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

No action was taken on this agenda matter.

In re: POLICY ON APPOINTMENTS TO BOARD AND COMMITTEES

Commissioner Widmyer discussed the policy for making appointments. After discussion, Commissioner Widmyer agreed to work with the County Administrator on an updated appointment policy.

Commissioner Morgan arrived at 10:00 a.m.

In re: GARY DUNGAN - COLLECTION OF GARNET JEX PAINTINGS

Gary Dungan appeared before the Commission to discuss a situation concerning questions of ownership of a collection of paintings by Garnet Jex. No action was taken on this matter.

In re: NORTHERN SHENANDOAH VALLEY REGIONAL COMMISSION - WATER SUPPLY PLANNING DUES

Commissioner Widmyer informed the Commission that she had been in contact with the Northern Shenandoah Valley Regional Commission and that they would be in contact with the Commission office in order to set up an appointment to make a presentation to the Commission.

In re: RALPH LORENZETTI - REQUEST FOR APPROVAL TO HIRE LEGAL ASSISTANT

Ralph Lorenzetti, Prosecuting Attorney, appeared before the Commission to request approval for hiring a legal assistant. After discussion, motion by Morgan, second by Widmyer to consider Mr. Lorenzetti's request for a legal assistant during budget deliberations in January. Motion passed by a 3-1 vote. Commissioner Manuel voted no.

In re: LT. TOM HANSEN - APPROVAL OF SIGNATURE ON DUI GRANT

Lt. Tom Hansen appeared before the Commission to request approval of the President's signature on a DUI Grant. After discussion, motion by Surkamp, second by Widmyer to authorize the President's signature on the DUI Grant. Motion carried.

The Commission took at break at 10:30 a.m.

The Commission reconvened at 10:45 a.m.

In re: SET DATE AND TIME FOR HEARING ON THE HOME INVESTMENT PARTNERSHIP PROGRAM HOUSING NEEDS IN JEFFERSON COUNTY

Motion by Morgan, second by Widmyer to set the date and time for the hearing on the Home Investment Partnership Program Housing Needs in Jefferson County for February 5, 2009, at 11:30 a.m. Motion carried.

In re: DECISION ON CANCELLING THE JANUARY 29TH COUNTY COMMISSION MEETING

Motion by Manuel, second by Morgan to cancel the January 29, 2009, County Commission meeting in order for several Commissioners to attend training. Motion carried.

In re: ORDINANCE - PUBLIC EDUCATION PLANS - DISCUSSION

Motion by Surkamp, second by Widmyer to instruct the Planning Staff to conduct a comparison of the proposed and old ordinances and prepare a report for presentation to

the County Commission. The Commission did not vote on this motion and decided to include this discussion with the legal report.

In re: MAINTENANCE DEPARTMENT

The Commission complimented the Maintenance Department on their work done on the Commission's bench in the meeting room.

In re: INCORPORATION CRITERIA - DISCUSSION

The Commission agreed to discuss this matter during the legal report.

In re: LARGE INDEBTED PUBLIC WORKS PROJECTS WITH INADEQUATE CUSTOMER BASES - DISCUSSION

The Commission discussed the possibility of large indebted public works projects with inadequate customer bases. No action was taken on this matter.

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

Jennifer S. Maghan, County Clerk, appeared before the Commission for the County Clerk's report. Ms. Maghan reported on the completion of validating signatures on the zoning ordinance petition. Ms. Maghan informed the Commission of precinct changes that would need to be decided on before the next election. The Commission agreed to conduct a workshop to discuss the needed precinct changes on February 2, 2009.

Ms. Maghan reported on possibly obtaining a new location for the election equipment. Ms. Maghan informed the Commission that she would present them with a contract for approval next week.

Ms. Maghan reported on legislation that could possibly permit election day voter registration.

In re: QUARTERLY FIDUCIARY REVIEW

The Commission inquired if any member of the public was present concerning the Quarterly Fiduciary Review. There being no one present for this matter, the Commission agreed to review the fiduciary accounts later in the meeting.

In re: LEGAL UPDATE AND REPORT

Brandy Sims, James Casimiro, and Stephen Groh, Assistant Prosecuting Attorneys, appeared before the Commission for the legal update and report. Ms. Sims reported on the Zoning Ordinance election. Ms. Sims informed the Commission that there was no time frame for conducting an election on the Zoning Ordinance. Ms. Sims requested an Executive Session to further discuss possible legal challenges concerning the Zoning Ordinance. Motion by Morgan, second by Surkamp to enter into Executive Session with legal counsel to discuss possible legal challenges to the County Zoning Ordinance. Motion carried.

Motion by Morgan, second by Surkamp to return to Regular Session. Motion carried

No action was taken during Executive Session.

In re: INTERVIEWS FOR THE JEFFERSON COUNTY EMERGENCY SERVICES AGENCY BOARD

The Commission conducted interviews for the appointments to the Jefferson County Emergency Services Agency Board. The Commission interviewed the following applicants:

Mayor A. David Hamill.

Dr. Frank McCluskey

Louis Brunswick - The Commission determined the Mr. Brunswick was not eligible for appointment due to his employment with the County.

Danesia G. Chicchirichi

Roger Stillwell

Donald Engle - The Commission determined that Mr. Engle was not eligible for appointment due to the County's policy on family member appointments to the same board.

Todd Wilt

The Commission agreed to continue with interviews and to make the appointments to the Emergency Services Agency next week.

In re: QUARTERLY FIDUCIARY REVIEW - CONTINUED

The Commission took this time to review the quarterly fiduciary accounts. After review, motion by Morgan, second by Widmyer to accept the fiduciary accounts as presented. Motion carried.

The Commission took a lunch break at 12:22 p.m.

The Commission reconvened at 1:30 p.m.

In re: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator reported on the following:

Ms. Smith informed the Commission that the public hearing for the proposed Mannings Incorporation would be held on February 4, 2009 and that Ed Burns had volunteered to set up the sound system.

Ms. Smith informed the Commission that the PATH public meeting was rescheduled for February 9, 2009 at Washington High School.

Ms. Smith reported on the prescription drug program.

Ms. Smith commented on informational items concerning the Mountain Water Committee and Jefferson Utilities.

Ms. Smith reported on possible office space for the County Surveyor.

Commissioner Surkamp inquired into the budget allocation for the NAACP. The Commission agreed to have the County Administrator contact Mr. Rutherford concerning the allocation.

In re: LEGAL REPORT - CONTINUED

James Casimiro, Assistant Prosecuting Attorney, appeared before the Commission. Mr. Casimiro requested an Executive Session to discuss pending litigation in the JUI case. Motion by Morgan, second by Widmyer to enter into Executive Session to discuss pending litigation as provided by Peters vs. Wood County. Motion carried.

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

In re: PROCEDURAL MOTION TO INSTITUTE A RULE THAT POSTPONES ACTION ON ANY SUBSTANTIVE MAIN MOTION, ORDINANCE, OR ALLOCATION OF COUNTY FUNDS FOR ONE WEEK AFTER ITS INITIAL INTRODUCTION. FURTHER, AN EMERGENCY RULE THAT WOULD ALLOW SUSPENSION OF THE ABOVE RULE WITH A FOUR VOTE MAJORITY

Motion by Manuel, second by Surkamp to institute a rule that any substantive main motion, ordinance, or allocation of county funds await action for at least one week after its initial introduction and further, an emergency rule that would allow suspension of the above rule with a four vote majority. Motion by Manuel, second by Widmyer to postpone this matter for one week. No vote was taken on this motion. Motion by Surkamp, second by Manuel to table the matter for one week. Motion passed by a 3-1 vote. Commissioner Morgan voted no.

In re: COUNTY COMMISSION REPORTS

Commissioner Widmyer commented on correspondence received from the Association of Counties concerning projects for the economic stimulus package.

In re: POSTPONED AGENDA ITEMS

The Commission agreed to postpone the following agenda items for next week, in order to have the full Commission present for the discussions:

- Committee Assignments
- Mark Schiavone - Draft Revenue Projections for FY 2010
- Motion that the Pay Equity Proposal be Implemented in Two Phases with the First Phase Going into Effect on the First Day of January 2009. The Second Phase would be a topic for Discussion as we Consider Next Year's Budget.
- Ordinances - Public Education Plans - Discussion
- Incorporation Criteria - Discussion

The Commission received the following information:

Reminder that County offices will be closed on Monday, January 19, 2009, for Martin Luther King, Jr. Day.

Notice of Public Hearing for the Petition to Incorporate Mannings on February 4,

2009, at 7:00 p.m. at Blue Ridge Elementary School.

Board of Review and Equalization notice.

Acceptance of bond for Mountain Vista Farms Subdivision in the amount of \$154,697.

Acceptance of bond for Apple Valley Waste Service, Inc. In the amount of \$216,477.

Second set of discovery requests received from Steptoe and Johnson on behalf of Jefferson Utilities, Inc.

Mountain Water Systems Fair Water Rate Committee's Amended Complaint in Response and Opposition to Defendants Motions To Dismiss received from the Public Service Commission.

Correspondence received from Jefferson Utilities, Inc. concerning the Mountain Water System reconstruction.

Copy of correspondence received from Don J. Orser to the Assessor's office received concerning a request for informal review of year 2009 assessments.

Correspondence received from Birthright concerning funding.

Press release received from AHA concerning grant proposals.

Correspondence received from Comcast concerning a price adjustment notification.

Notice received from the City of Charles Town of a public information meeting on facade ordinances on Tuesday, January 27, 2009, at 7:00 p.m.

Correspondence received from the Historic Landmarks Commission concerning PATH.

Report on Applying Agreed-Upon Procedures of the Jefferson County Magistrate Court received from the Office of the State Auditor.

Meeting minutes received from the Jefferson County Public Service District.

Information received from the Association of Counties concerning IRS mileage reimbursement.

Information received from the County Commissioners' Association concerning the Legislative Association meeting and Education Training Series on February 22-24, 2009.

Correspondence received from the Association of Counties concerning projects for the economic stimulus package.

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

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

PRESIDENT