

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, July 2, 2009, beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE
Commissioner Noland conducted the Pledge of Allegiance.

In re: DISPENSE WITH READING OF MINUTES
Motion by Noland, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, June 25, 2009, and to approve the Minutes as prepared. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS
Motion by Morgan, second by Surkamp to approve the following Purchase Orders for the Week of June 29, 2009, totaling \$49,862.48: 46965, 46966, 46690, 47313, 46746, 46748, 46749, 46750, 47168, 47169, 47220, 47264, 47262, 47265, and 47268. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by Noland, second by Morgan to approve the list of Accounts Payable totaling \$205,486.39 dated July 2, 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
059121	GRANT	AFRICAN AMERICAN COMM		\$0.00	\$1,107.36	\$1,107.36
059122	425	COMCAST		\$0.00	\$89.95	\$89.95
059123	425	ABH SERVICES, INC.		\$0.00	\$9,387.00	\$9,387.00
059123	425	ABH SERVICES, INC.		\$0.00	\$1,066.00	\$1,066.00
059124	412	BARDANE PUBLIC HEALTH CT		\$0.00	\$383.00	\$383.00
059124	431	BARDANE PUBLIC HEALTH CT		\$0.00	\$308.33	\$308.33
059125	425	B-K OFFICE SUPPLY INC	47257	\$225.00	\$0.00	\$225.00
059125	425	B-K OFFICE SUPPLY INC	47266	\$87.00	\$0.00	\$87.00
059125	451	B-K OFFICE SUPPLY INC	47008	\$360.00	\$0.00	\$360.00

059126	406	*CREAMERS AUTO SERVICE	47258	\$103.60	\$0.00	\$103.60
059126	424	*CREAMERS AUTO SERVICE	47258	\$991.15	\$0.00	\$991.15
059126	711	*CREAMERS AUTO SERVICE	47258	\$35.75	\$0.00	\$35.75
059126	716	*CREAMERS AUTO SERVICE	47267	\$57.71	\$0.00	\$57.71
059127	425	CARLYLE & ANDERSON	47263	\$43.48	\$0.00	\$43.48
059128	425	OLD CHARLES TOWN LIBRARY		\$0.00	\$1,500.00	\$1,500.00
059129	425	CENTRAL ELEVATOR	47261	\$150.00	\$0.00	\$150.00
059130	439	CHOICE STAFFING, INC.		\$0.00	\$343.00	\$343.00
059131	424	FRONTIER COMMUNICATIONS		\$0.00	\$829.47	\$829.47
059132	424	FRONTIER		\$0.00	\$3,970.08	\$3,970.08
059133	PAYROLL	GUARDIAN		\$0.00	\$6,507.90	\$6,507.90
059133	PAYROLL	GUARDIAN		\$0.00	\$147,463.46	\$147,463.46
059133	PAYROLL	GUARDIAN		\$0.00	\$1,579.70	\$1,579.70
059133	PAYROLL	GUARDIAN		\$0.00	\$0.07	\$0.07
059134	GRANT	GOOD SHEPHERD CAREGIVERS		\$0.00	\$5,000.00	\$5,000.00
059135	716	HILLSIDE VETERINARY HOSP	46884	\$78.20	\$0.00	\$78.20
059136	440	IKON OFFICE SOLUTIONS	47094	\$741.76	\$0.00	\$741.76
059136	401	IKON OFFICE SOLUTIONS		\$0.00	\$516.92	\$516.92
059137	402	JEFFERSON PUBLISH CO INC	47309	\$145.96	\$0.00	\$145.96
059138	716	DONALD LONGERBEAM		\$0.00	\$15.20	\$15.20
059139	405	MATTHEW BENDER & CO	46926	\$347.40	\$0.00	\$347.40
059140	424	RYAN MILBORNE		\$0.00	\$190.00	\$190.00
059141	716	MED-VET INTERNATIONAL	46129	\$130.20	\$0.00	\$130.20
059142	425	PENWELL'S CONCRETE	47254	\$300.00	\$0.00	\$300.00
059143	424	REESE'S NURSERY&LANDSCAP	46858	\$636.67	\$0.00	\$636.67
059144	413	RAI GROUP 43, LLC		\$0.00	\$1,699.00	\$1,699.00
059145	704	ST/WV REGIONAL JAIL &	47066	\$7,509.74	\$0.00	\$7,509.74
059146	422	STAPLES CREDIT PLAN	46782	\$350.68	\$0.00	\$350.68
059146	401	STAPLES CREDIT PLAN		\$0.00	\$190.97	\$190.97
059146	406	STAPLES CREDIT PLAN		\$0.00	\$27.31	\$27.31
059146	412	STAPLES CREDIT PLAN		\$0.00	\$70.97	\$70.97
059146	439	STAPLES CREDIT PLAN		\$0.00	\$179.99	\$179.99
059146	440	STAPLES CREDIT PLAN		\$0.00	\$184.65	\$184.65
059146	700	STAPLES CREDIT PLAN		\$0.00	\$314.31	\$314.31
059146	712	STAPLES CREDIT PLAN		\$0.00	\$1,003.54	\$1,003.54
059147	975	SUMMIT COMMUNITY BANK		\$0.00	\$2,441.41	\$2,441.41
059148	424	THOMASSEN FORD MERCURY	47259	\$701.26	\$0.00	\$701.26
059149	PAYROLL	TIME INSURANCE CO		\$0.00	\$166.36	\$166.36
059150	405	WEST PAYMENT CENTER	46927	\$1,154.88	\$0.00	\$1,154.88
059151	401	WV ST TREASURER'S OFFICE		\$0.00	\$4,800.00	\$4,800.00
TOTALS				\$14,150.44	\$191,335.95	\$205,486.39

In re: PUBLIC COMMENT

Rosamond Burns appeared before the Commission to request consideration to be reappointed to the Jefferson County Board of Health.

Bob DuBouse appeared before the Commission to thank the Commission for the \$2,000 allocation for the Harpers Ferry Historic Foundation.

In re: LEGISLATIVE ISSUES

Commissioner Surkamp requested that the Bill regarding Alternate Energy be placed on next week's agenda for an update.

In re: ZONING AND SUBDIVISION ORDINANCE AMENDMENTS - DISCUSSION

No new information was provided.

In re: REPORT OF FEDERAL STIMULUS FUNDS - DISCUSSION

Leslie D. Smith, County Administrator reported on the status of the Energy Efficiency Grant and Broadband access funding. Commissioner Surkamp requested a copy of the Broadband regulations.

Commissioner Widmyer requested a written table outlining the status of stimulus funding.

Commissioner Surkamp requested a workshop regarding broadband access. The Commission directed staff to outline a workshop and how it should be structured and who should be invited regarding broadband access.

In re: BONDING AND ACTIVITY REPORT

Jennifer Brockman, Planning Director appeared before the Commission to discuss the upcoming joint meeting on July 6, 2009 with the County Commission and the Planning Commission.

Commissioner Morgan asked about the workload of the Planning Staff. Ms. Brockman said the staff is seeing a heavy workload because of the conflict with the old zoning ordinance and the new set of subdivision regulations.

In re: JEFFERSON COUNTY EMERGENCY SERVICES AGENCY - BUDGET CONSIDERATIONS

Mike Alvarez, Jefferson County Emergency Services Agency and Ed Smith, Operations Manager Jefferson County Emergency Services Agency appeared before the Commission to request that the Commission restore \$180,000 of the \$200,000 cut from the original Fiscal Year 2009-2010 budget request.

The Commission agreed to discuss this matter in the 1:30 p.m. workshop.

For the record, Jay Watson, Vice President Jefferson County Emergency Services Agency was present and made comment.

In re: LAURA RATTENNI - BUDGET REVISION REQUEST

Laura Rattenni, Circuit Clerk appeared before the Commission to request money be put back in the budget to avoid a cut in employee salary.

Motion by Surkamp to approve an adjustment requested by the Circuit Clerk pending funding availability in the unencumbered fund balance.

Motion by Morgan, second by Surkamp to table this matter until the entire unencumbered balance is reviewed and studied. Motion failed by a 2-3 vote.

Commissioners Widmyer, Noland and Manuel voted no.

Commissioner Surkamp withdrew his motion to approve the adjustment requested by the Circuit Clerk pending funding availability in the unencumbered fund balance.

Motion by Manuel, second by Noland to allocate \$21,772.40 as a priority for the unencumbered fund balance. Motion failed by a 2-3 vote. Commissioners Widmyer, Morgan and Surkamp voted no.

Motion by Widmyer, second by Noland to allocate \$10,273.00 to allow an employee stay at \$22,000.00 salary. Motion passed by a 4-1 vote. Commissioner Morgan voted no.

The Commission took a 10 minute break at 11:00 a.m.

In re: JAY WATSON - JEFFERSON COUNTY SEAL PRESENTATION

Jay Watson appeared before the Commission to make a presentation on adopting a County Seal consisting of the Coat of Arms of Thomas Jefferson.

After discussion, the Commission agreed to place this item on the agenda in 1 month and to send the Seal to the Jefferson County Historic Landmarks Commission, Jefferson County Historical Society and legal counsel for review and comments.

Commission Widmyer requested that this seal be placed on the County website for comments.

Leslie Smith, County Administrator reported that she has another seal for review.

In re: JAY WATSON - JEFFERSON COUNTY FIRE AND RESCUE ASSOCIATION - REQUEST FOR ADDITIONAL FUNDING FOR FIRE DEPARTMENTS

Jay Watson, President Jefferson County Fire and Rescue Association appeared before the Commission to request approval of the original funds requested for the Fiscal Year 2010 budget.

Steve Chamblin, Middleway Fire Department was present and made comment.

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

Jennifer S. Maghan, County Clerk appeared before the Commission and requested that the Commission add the \$48,880.00 to the salary line that was cut.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

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

Ms. Grove reported on the following:

- Distributed the To Do List
- Tabb tax appeal case
- Discussed legislative findings for Fire/EMS Board

Motion by Morgan, second by Manuel to direct Ms. Grove to send a letter to Fire/EMS regarding funding and to include Mr. Schiavone.

Commissioner Manuel discussed motions to be made regarding PATH and the intervener status.

By unanimous consent, the Commission tasked Counsel to look into the motions regarding the intervener status filing electronically and the extended deadline for filing.

Commissioner Morgan informed the Commission that if a citizen desires to call the Governor's office 1- 888-438-4371 and inform them that you are against PATH, you will be added to the tally.

Commissioner Morgan informed the Commission that she will be filing as an intervener as a landowner.

Leslie Smith, County Administrator reported on behalf of James Casimiro, Assistant Prosecuting Attorney regarding an Agreement with JUI, COBRA and the PSC case. Ms. Smith informed the Commission that this will be on next week's agenda.

In re: ORGANIZATIONAL PLANNING - DISCUSSION

No new information was provided.

In re: DETAILED WRITTEN EXPLANATION OF CAUSES OF DEFICIENCIES IN COUNTY PROCEDURES REGARDS RECENT AUDIT REPORT AND SPECIFIC STEPS TAKEN TO CORRECT

Leslie D. Smith, County Administrator distributed draft polices for the Commission to review. The Commission agreed to discuss this agenda item after the lunch break.

In re: LETTER TO PRESIDENT OBAMA INVITING HIM TO SPEAK HERE DURING OBSERVANCE OF JOHN BROWN RAID 150 YEARS AGO

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

In re: REQUEST TO ADVERTISE FOR OPEN IT SUPPORT POSITION

Motion by Widmyer, second by Surkamp to authorize the hiring of the IT Specialist position.

Motion by Manuel, second by Noland to amend the motion by adding to table the matter until the Organizational Planning is reviewed and placed on the agenda. Motion to amend failed by a 2-3 vote. Commissioners Widmyer, Morgan and Surkamp voted no.

Motion by Widmyer, second by Surkamp to approve the hiring and advertising of an

IT Support position. Motion by Surkamp, second by Morgan to call the question. Motion failed by a 2-3 vote. Commissioners Widmyer, Manuel and Noland voted no.

Pending motion by Widmyer, second by Surkamp to approve the hiring and advertising of an IT Support position. Motion passed by a 3-2 vote. Commissioners Noland and Manuel voted no.

In re: **E911 FEES DISCUSSION**

Motion by Widmyer, second by Surkamp to have an evening public hearing and to ask for comments for the .35 cent increase of the E911 Fee. Motion carried.

In re: **PLANNING COMMISSION'S REQUESTED ACQUISITION OF OUTSIDE COUNCIL CONCERNING FARAWAY FARMS: ACTION (DM)**

Motion by Manuel, second by Noland that the County Commission deny the allocation of any taxpayer's funds in the continuation of the Faraway Farms matter.

Motion by Widmyer, second by Manuel to amend the motion and to add prior to the briefing of the County Commission on this topic. Amended motion passed by a 3-2 vote. Commissioners Surkamp and Morgan voted no.

Amended motion that the County Commission deny the allocation of any taxpayer's funds in the continuation of the Faraway Farms matter prior to the briefing of the County Commission on this topic. Amended motion passed by a 3-2 vote. Commissioners Surkamp and Morgan voted no.

The Commission recessed for lunch at 12:35 p.m.

The Commission reconvened at 1:35 p.m.

In re: **SCHEDULING OF HEARINGS FOR COAL SEVERANCE AND GENERAL FUND UNENCUMBERED FUND BALANCE REBUDGETING**

Mark Schiavone, Director of Capital Planning and Management appeared before the Commission to schedule hearings for the Coal Severance and General Fund unencumbered fund balance rebudgeting. The Commission agreed to place this item on next week's agenda.

In re: **CONTACT ALL MUNICIPALITIES FOR A DATE WHEN ALL (SHEPHERDSTOWN, BOLIVAR, RANSON, CHARLES TOWN, AND HARPERS FERRY) CAN ATTEND COUNCIL OF GOVERNMENTS MEETING TO DISCUSS URBAN GROWTH BOUNDARY (JS)**

Commissioner Surkamp requested that the Commission contact all municipalities for a date when all municipalities can attend a Council of Governments meeting to discuss Urban Growth Boundaries.

The Commission directed that Leslie Smith, County Administrator send a memo and the Urban Growth Boundary GIS map to the municipalities and schedule a meeting to discuss this topic.

In re: COUNTY COMMISSION WORKSHOP - BUDGET PRIORITIES FOR UNENCUMBERED FUND BALANCE

The Commission held a workshop to discuss budget priorities for the unencumbered fund balance. Mark Schiavone, Director of Capital Planning and Management was present. The Commission agreed on a list of priorities and requested that Mr. Schiavone prepare a spreadsheet with the priority list and a scenario for next week's agenda.

For the record, Jennifer S. Maghan, County Clerk and Jennifer Brockman, Director of Planning were present.

In re: DETAILED WRITTEN EXPLANATION OF CAUSES OF DEFICIENCIES IN COUNTY PROCEDURES REGARDS RECENT AUDIT REPORT AND SPECIFIC STEPS TAKEN TO CORRECT - CONTINUED

The Commission discussed the 5 draft policies/procedures that were distributed by the County Administrator.

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

In re: COUNTY ADMINISTRATOR REPORTS

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

- New rules for local government regarding accounting procedures
- Harassment training - August 31 and September 14
- Reminder of the Joint meeting with the Planning Commission 7/6/09
- Reminder of appointments and interviews next week

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported on a lecture he attended concerning Mount Vernon.

Commissioner Morgan reported on the request that staff acquire prices for restoration of the wood floors in the Circuit Judge's chambers.

Commissioner Surkamp requested a copy of the broadband regulations.

Commissioner Manuel reported on the PATH meeting he attended.

Commissioner Manuel reported on the Farm Bureau meeting he attended.

Commissioner Noland reported on the Hospice of the Panhandle Committee meeting she attended.

The Commission received the following information:

Reminder that a joint meeting with the Planning Commission will be held on

Monday, July 6, 2009 at 7:00 p.m.

Reminder that County Offices will be closed Friday, July 3, 2009 for Independence Day.

The County Commission meeting will be held in the Old Charles Town Library meeting room for the July 2, 2009 meeting.

Appointments and Interviews to be made to the following on July 9, 2009:

Parks & Recreation Commission

Board of Health

Summit Point Library Committee

Potomac Headwaters RC&D Council

Eastern Panhandle Regional Planning & Development Council

Appointment to be made to the Jefferson County Building Commission on July 30, 2009.

Reply received from Jeffrey Polczynski concerning the employee evaluation form.

Correspondence received from Kimberly A. Sisk concerning the County's health insurance.

Correspondence received from Natalie E. Tennant concerning the 2009 West Virginia County Clerk's Election Conference on August 30 - September 1, 2009.

Correspondence received from the County Clerk concerning the annual financial statement.

Financial statement received from the Jefferson County Development Authority.

Correspondence received from the County Commissioners' Association concerning 2009-10 dues.

Notification of rescheduling of status conference received from Shenandoah Sales & Service, Inc.

Meeting agenda and minutes received from the Board of Health.

Newsletter received from the Old Opera House.

Correspondence received from the State Auditor concerning the in-service training

program on August 2-4, 2009.

Correspondence received from FEMA concerning the Flood Insurance Rate Map.

Information received from the County Commissioners' Association concerning the annual meeting.

E-911 fees received from Level 3 Communications, 8x8, Inc., Vonage America, Inc., and Citizens Communications.

West Virginia Ethics Reporter received.

CORRESPONDENCE:

Postcards received from the following concerning public library funding:

Mrs. A.R. Hoxton, Jr.	Charles C. Cheezum
Robert S. Northrup	Anne L. Oxfort
Carol A. Collotor	Anna K. Zawacki
Marie Becker-Welts	Christie L. Ence
Roger Munro	Anne Munro
Elizabeth S. Walter	Naomi Rohrer
Charlotte Ahalt	Larry Barkdoll
George P. White, Jr.	Richard D. Raymond
Shelly Carver	Susan Tewalt
Diane E. Ferren	Meghan L. Geary
Renee Jochum	Arthur Wineburg
Tara Bell	Stephanie Wallace
Robin Summerhill	Adriana Lane
Frances Cloud	Virginia Ngo
Ilan Briggs	Molly Briggs
Richard Ashton	Bonnie Sitman
Sylvia Boyer	Louise McDonald
Frances O'Neal	Rex Barkdoll
Lynn Kubik	Blayne Ott
Traci L. Ott	Donald G. Johnson
Kimberly D. Smeltzer	

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

PRESIDENT