

**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 Old Charles Town Library meeting room thereof on Thursday, August 20, 2009 beginning at 9:30 o'clock a.m.

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

**IN RE: PLEDGE OF ALLEGIANCE**  
Commissioner Surkamp conducted the Pledge of Allegiance.

**IN RE: APPROVAL OF MINUTES**  
Motion by Noland, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, August 13, 2009 and to approve the Minutes as amended. Motion carried.

**IN RE: PROCEDURAL MOTION**  
Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to report on Open Government Proceedings Act regulations and expressed concerns with a potential violation with consideration to Commissioner Widmyer’s motion from the week of August 13, 2009 under agenda item, “Department Head Employee Evaluation” to retain private legal counsel specializing in personnel law in order to address Leslie D. Smith’s, County Administrator performance evaluation.

Ms. Grove recommended Commissioner Widmyer rescind her previous motion to hire David Hammer, Esquire to represent the Commission for personnel matters from August 13, 2009 and place the matter on the upcoming agenda.

Motion by Widmyer, second by Manuel to rescind the motion from August 13, 2009 for ratification purposes and place the matter of acquiring private legal counsel for personnel reasons on next week’s agenda. Motion carried by a 3-2 vote; Commissioners Morgan and Surkamp voted no.

**IN RE: APPROVAL OF PURCHASE ORDERS**  
Motion by Morgan, second by Noland to approve the following Purchase Orders for the week of August 13, 2009 totaling \$47,815.28: 47450, 46968, 47441, 47452, 46619, 47521, 47533, 47534, 47535, 47021, 47023, 47026, 47536 and 47537. Motion carried.

**IN RE: APPROVAL OF ACCOUNTS PAYABLE**  
Motion by Noland, second by Morgan to approve the list of Accounts Payable for August 20, 2009 totaling \$393,342.46. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	Ck Amount
059467	PAYROLL	AMERICAN FAMILY LIFE ICU		\$0.00	\$5,507.88	\$5,507.88
059468	425	COMCAST		\$0.00	\$55.94	\$55.94
059469	700	AUTOZONE		\$0.00	\$94.83	\$94.83
059470	424	ABH SERVICES, INC.		\$0.00	\$209.00	\$209.00
059471	ALLOC	A.H.A		\$0.00	\$4,475.93	\$4,475.93
059472	403	BANK OF CHARLES TOWN	47474	\$110.00	\$0.00	\$110.00

059473	424	BRIGGS WELD & RAD REPAIR	47528	\$869.67	\$0.00	\$869.67
059474	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
059475	439	B-K OFFICE SUPPLY INC	47351	\$244.00	\$0.00	\$244.00
059476	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$49.85	\$49.85
059477	PAYROLL	BUREAU F/CHILD SPRT ENF		\$0.00	\$212.31	\$212.31
059478	716	BLUE RIDGE VETERINARY		\$0.00	\$127.92	\$127.92
059479	406	COUNTRY ROADS TIRE & AUT	47530	\$410.48	\$0.00	\$410.48
059480	406	*CREAMERS AUTO SERVICE	47532	\$68.70	\$0.00	\$68.70
059480	424	*CREAMERS AUTO SERVICE	47532	\$565.94	\$0.00	\$565.94
059480	711	*CREAMERS AUTO SERVICE	47532	\$85.29	\$0.00	\$85.29
059481	425	CHARLES TOWN COPYING	47523	\$284.48	\$0.00	\$284.48
059482	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$27.69	\$27.69
059483	401	JAMES CASIMIRO III		\$0.00	\$501.29	\$501.29
059484	700	CARS/COMPLETE AUTO REPAI	47529	\$699.14	\$0.00	\$699.14
059485	403	DAYTON LEGAL BLANK	47471	\$412.79	\$0.00	\$412.79
059486	716	DODSON'S SEPTIC	47526	\$250.00	\$0.00	\$250.00
059487	ALLOC	EAST PANHANDLE REGIONAL		\$0.00	\$15,610.00	\$15,610.00
059488	401	FEDEX		\$0.00	\$44.57	\$44.57
059488	700	FEDEX		\$0.00	\$36.34	\$36.34
059489	425	FARM PLAN/SOUTHERN ST	47272	\$140.41	\$0.00	\$140.41
059490	424	HASLER INC.	47285	\$124.98	\$0.00	\$124.98
059491	PAYROLL	ING NATIONAL TRUST		\$0.00	\$660.00	\$660.00
059492	413	JEFF CO PUBLIC SER DEPT		\$0.00	\$27.09	\$27.09
059492	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$55.02	\$55.02
059493	ALLOC	JEFF CO COUNCIL ON AGING		\$0.00	\$6,305.00	\$6,305.00
059494	422	THE JOURNAL	46784	\$265.20	\$0.00	\$265.20
059495	GRANT	JEFFERSON CO FAIR ASSOC	47172	\$200.00	\$0.00	\$200.00
059496	712	DR ROBERT JONES		\$0.00	\$1,000.00	\$1,000.00
059497	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,654.00	\$4,654.00
059498	405	MATTHEW BENDER & CO	47410	\$367.60	\$0.00	\$367.60
059499	PAYROLL	COMPTROLLER OF MD		\$0.00	\$393.17	\$393.17
059500	413	HOME DEPOT CREDIT SERVIC		\$0.00	\$340.00	\$340.00
059500	424	HOME DEPOT CREDIT SERVIC		\$0.00	\$59.20	\$59.20
059500	424	HOME DEPOT CREDIT SERVIC		\$0.00	\$24.95	\$24.95
059500	425	HOME DEPOT CREDIT SERVIC		\$0.00	\$57.79	\$57.79
059500	425	HOME DEPOT CREDIT SERVIC		\$0.00	\$213.78	\$213.78
059501	700	MCKINNEY'S AUTO REPAIR	47531	\$33.83	\$0.00	\$33.83
059502	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
059503	PAYROLL	MD CHILD SUPPORT		\$0.00	\$18.46	\$18.46
059504	425	NORVAC LOCK TECHNOLOGY	47525	\$263.60	\$0.00	\$263.60
059505	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$735.21	\$735.21

059506	PAYROLL	NATIONWIDE MUTUAL INS		\$0.00	\$194.68	\$194.68
059507	ALLOC	JEFF CO PARKS & REC		\$0.00	\$26,801.93	\$26,801.93
059508	403	PIFER OFFICE SUPPLY, INC	47475	\$16.25	\$0.00	\$16.25
059508	404	PIFER OFFICE SUPPLY, INC	46668	\$254.02	\$0.00	\$254.02
059508	406	PIFER OFFICE SUPPLY, INC	47077	\$253.49	\$0.00	\$253.49
059508	406	PIFER OFFICE SUPPLY, INC	47083	\$57.38	\$0.00	\$57.38
059509	425	REESE'S NURSERY	47522	\$72.00	\$0.00	\$72.00
059510	712	RESA VIII	47161	\$25.00	\$0.00	\$25.00
059511	425	RCS SECURITY	47527	\$195.00	\$0.00	\$195.00
059512	ALLOC	SHEP-TOWN MEN'S CLUB		\$0.00	\$2,500.00	\$2,500.00
059513	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$74.29	\$74.29
059513	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$24,416.47	\$24,416.47
059513	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$13.92	\$13.92
059514	704	ST/WV REGIONAL JAIL &	47602	\$98,040.00	\$0.00	\$98,040.00
059515	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$41.24	\$41.24
059515	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$8,586.06	\$8,586.06
059515	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$42.16	\$42.16
059515	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$176.34	\$176.34
059515	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$9.86	\$9.86
059515	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$36,713.00	\$36,713.00
059516	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$145.59	\$145.59
059516	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$31,422.77	\$31,422.77
059517	PAYROLL	DEPUTY SHRF RETIREMEN		\$0.00	\$6,979.13	\$6,979.13
059518	PAYROLL	DEPUTY SHRF RETIREMEN		\$0.00	\$8,621.34	\$8,621.34
059519	711	SOFTWARE COMPUTER GR	47171	\$300.00	\$0.00	\$300.00
059520	424	SPRINT		\$0.00	\$91.50	\$91.50
059520	712	SPRINT		\$0.00	\$1,398.08	\$1,398.08
059521	404	PAUL D.SHROYER	46669	\$4,000.00	\$0.00	\$4,000.00
059522	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
059523	700	US CELLULAR	47024	\$40.00	\$0.00	\$40.00
059524	PAYROLL	US DEPT OF EDUCATION		\$0.00	\$123.68	\$123.68
059525	425	VALLEY HARDWARE CO	47271	\$85.25	\$0.00	\$85.25
059526	700	VALLEY TWO-WAY, INC	47022	\$90.00	\$0.00	\$90.00
059527	ALLOC	JEFFERSON CO CONVENTION		\$0.00	\$22,326.00	\$22,326.00
059528	424	WILLIAMS MOTOR PARTS, IN	47273	\$8.07	\$0.00	\$8.07
059529	401	WV ASSOCIATION/COUNTIES		\$0.00	\$495.00	\$495.00
059530	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$63.99	\$63.99
059530	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$20,550.52	\$20,550.52
059531	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$50,234.86	\$50,234.86
059531	PAYROLL	WV PUB EMP RETIRE SYS		\$0.00	\$156.42	\$156.42
059532	425	WALMART BUSINESS		\$0.00	\$140.19	\$140.19

059533	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$166.50	\$166.50
059534	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$133.20	\$133.20
059535	700	YAHOO CUSTODIAN OF RD	47025	\$20.44	\$0.00	\$20.44
<b>TOTALS</b>				<b>\$108,853.01</b>	<b>\$284,489.45</b>	<b>\$393,342.46</b>

**IN RE: EXONERATION**

Upon recommendation from the Assessor, motion by Morgan, second by Noland to approve the following Exoneration because of erroneous assessment for the year 2009. Motion carried.

NAME	DISTRICT	TYPE	AMOUNT	TICKET NO
Patricia E. Gageby	Harpers Ferry	Personal Property	\$141.50	307257

**IN RE: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES**

Upon recommendation from the Assessor, motion by Morgan, second by Widmyer to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions Section 15, Article 2, Chapter 48 of the West Virginia Code for the following:

Name	Vehicle	Assessed Value	Taxes Due
Daniel A. D'Aurora	2001 Ford F150	\$58.00	\$140.71
Daniel A. D'Aurora	2001 Yamaha Motorcycle	\$1,400.00	\$33.96
Daniel A. D'Aurora	2002 Honda EX300 ATV	\$400.00	\$9.70
Candace R. D'Aurora	2006 Audi S4	Exempt	
Candace R. D'Aurora	2001 Yamaha Motorcycle	\$1,100.00	\$26.69
Daniel & Candace D'Aurora	2006 SunL ATV	\$400.00	\$9.70
Daniel & Candace D'Aurora	2002 MeerKat Kazumo ATV	\$200.00	\$4.85
Daniel & Candace D'Aurora	1997 Z3	\$3,800.00	\$92.19

**IN RE: PUBLIC COMMENT**

Patricia Rucker appeared before the Commission to express her concerns with the County Commission's meeting room policy and procedures.

Leslie D. Smith, County Administrator reported on the County's meeting room policy for use of the Old Charles Town Library and the County Courthouse meeting room.

Tish Appignani appeared before the Commission to report on programs available at the Jefferson County Convention & Visitors Bureau.

**IN RE: BONDING AND ACTIVITY REPORT**

Jennifer Brockman, Director of Planning and Zoning appeared before the Commission for the weekly activity report.

Ms. Brockman reported on her membership and involvement with "Leadership Jefferson".

Ms. Brockman reported on the Zoning Ordinance pamphlets and brochures that will be on display at the Jefferson County Fair.

Commissioner Widmyer reported on inquiries she has received from citizens regarding the upcoming Zoning Ordinance Special Election.

The Commission discussed ways to increase public awareness prior to the Zoning Ordinance Special Election.

**IN RE: TOM BAYUZIK - EXECUTIVE DIRECTOR, JEFFERSON COUNTY DEVELOPMENT AUTHORITY -  
UPDATE ON WEST-PEP RESOLUTION**

Tom Bayuzik, Development Authority Executive Director appeared before the Commission to request approval of the West-PEP Resolution and appointment to the West-PEP Board of Directors as a Jefferson County representative.

Mr. Bayuzik reported on Governor Manchin's Executive Order implementing West-PEP.

Ms. Carol Crabtree, Region 9 Director was present and reported on Berkeley, Hampshire and Morgan County's and the Regional Planning and Development Council-Region 9's involvement in West-PEP.

Motion by Surkamp, second by Noland to approve the West-PEP Resolution as presented and appoint Thomas Bayuzik as Jefferson County Representative to the West-PEP Board of Directors. Motion carried.

Ms. Crabtree reported on the bylaws being established for the West-PEP Board of Directors and fund acquisition in support of the West-PEP Program.

Mr. Bayuzik reported on goals and strategies he is implementing as the Jefferson County Representative to the West-PEP Board of Directors. The Commission agreed by consensus to schedule quarterly activity reports from Mr. Bayuzik.

**RESOLUTION**

*WHEREAS, the Governor of the State of West Virginia signed an Executive Order on the 11<sup>th</sup> day of March 2009 naming a partnership between the County Commissions of Berkeley, Hampshire and Morgan Counties in cooperation with the Eastern Panhandle Regional Planning and Development Council-Region 9 as the Western Potomac Economic Partnership, (West-PEP); and*

*WHEREAS, the Executive Order charges West-PEP to market the qualities of the Eastern Panhandle to businesses and persons in the Washington-Baltimore area and beyond; and*

*WHEREAS, the Governor of the State of West Virginia has charged the West Virginia Development Office (WVDO) to work with West-PEP as detailed in the Executive Order.*

*NOW, THEREFORE, BE IT RESOLVED on this 20<sup>th</sup> day of August 2009 that the Jefferson County Commission designates the Executive Director of the Jefferson County Development Authority to represent Jefferson County's interest as a member of the West-PEP Board of Directors, along with the Executive Director of the Eastern Panhandle Regional Planning and Development Council-Region 9.*

*And further that the duties and activities to be carried out by the Executive Order shall be directed by the West-PEP Board of Directors.*

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*Dale Manuel, Commission President*

**IN RE: JEFFERSON COUNTY CONVENTION & VISITORS BUREAU - CIVIL WAR TRAILS  
INTERPRETATIVE SIGNAGE PROGRAM**

Paulette Sprinkle and Board members from the Jefferson County Convention and Visitor's Bureau appeared before the Commission for a report and presentation for the state wide Civil War Trails Interpretative Program being proposed for Jefferson County.

Ms. Sprinkle reported on her meetings with the City of Charles Town, Ranson and the National Park Service.

The Commission agreed to refer Ms. Sprinkle to the Historic Landmarks Commission for recommendations and coordinate a joint meeting with the City of Charles Town, the City of Ranson and the National Park Service.

Tish Appigani was present for comments.

Motion by Manuel, second by Noland to discuss agenda item: Using the Powers Given to it

Under WV code 7-18, Resolve that the Jefferson County Commission will Offer Funding from Collected Hotel Occupancy Taxes to a Second, Properly Constituted County Convention and Visitors Bureau, with Funding Available Beginning July 1, 2011.

Motion by Surkamp, second by Widmyer to indefinitely table agenda item: Using the Powers Given to it Under WV code 7-18, Resolve that the Jefferson County Commission will Offer Funding from Collected Hotel Occupancy Taxes to a Second, Properly Constituted County Convention and Visitors Bureau, with Funding Available Beginning July 1, 2011. Motion carried by a 4-1 vote; Commissioner Morgan voted no.

Commissioners Manuel and Noland withdrew their original motion.

**IN RE: USING THE POWERS GIVEN TO IT UNDER WV CODE 7-18, RESOLVE THAT THE JEFFERSON COUNTY COMMISSION WILL OFFER FUNDING FROM COLLECTED HOTEL OCCUPANCY TAXES TO A SECOND, PROPERLY CONSTITUTED COUNTY CONVENTION AND VISITORS BUREAU, WITH FUNDING AVAILABLE BEGINNING JULY 1, 2011**

This matter was discussed under agenda item: Jefferson County Convention & Visitors Bureau - Civil War Trails Interpretative Signage Program.

**IN RE: KIRK DAVIS - BROADBAND GRANT PRESENTATION**

Kirk Davis, Capital Project Manager appeared before the Commission with a report and presentation for the Broadband Grant proposal.

Mr. Davis reported on the strategies being implemented with the APUS and Jefferson County Board of Education Broadband Grant including a WIFI system being utilized for Jefferson County Schools, County libraries, Fire Companies and Community Centers.

Mr. Davis also discussed the GIS proposal being implemented in the grant.

Todd Fagan, GIS Specialist was present for comments.

**IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT**

Ralph Lorenzetti, Prosecuting Attorney appeared before the Commission to report on the proposed survey between Jefferson and Berkeley Counties.

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to request approval of the Rural Housing Preservation Associates, LLC Resolution and letter of support.

Motion by Morgan, second by Noland to approve and authorize the Commission President's signature upon the Rural Housing Preservation Associates, LLC Resolution and letter of support as presented. Motion carried.

*INDUCEMENT RESOLUTION AND DECLARATION OF OFFICIAL INTENT  
RELATING TO THE ISSUANCE OF  
COMMERCIAL DEVELOPMENT REVENUE BONDS  
FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS  
OF THE ACQUISITION, RENOVATION, IMPROVEMENT AND EQUIPPING OF  
AFFORDABLE HOUSING*

*WHEREAS, Rural Housing Preservation Associates, LLC, a Delaware limited liability company (the "Company"), has requested that Jefferson County, West Virginia, acting by and through The County Commission of Jefferson County, West Virginia (the "Issuer"), issue commercial development revenue bonds, either separately or jointly with Berkeley and Hardy Counties, West Virginia, in an original aggregate principal amount not to exceed \$20,500,000 (the "Bonds") for the purpose of financing all or a portion of the costs of acquiring, renovating, improving and equipping affordable housing, including but not limited to Potomac Terrace in Harpers Ferry and Maple Green in Shepherdstown, West Virginia,*

as well as other properties in Berkeley and Hardy Counties, all of which are to be operated by the Company (the "Project"); and

WHEREAS, the Issuer desires to approve in concept the proposed issuance of the Bonds and the financing of all or a portion of the costs of the Project with the proceeds thereof, contingent upon the approval by the Issuer and its legal counsel of the various documents relating to the issuance of the Bonds; and

WHEREAS, the Issuer also desires to declare its official intent pursuant to Section 1.150.2 of the Treasury Regulations promulgated under the Code to reimburse the Company from the proceeds of the Bonds for capital expenditures for the Project made prior to the issuance of the Bonds.

NOW, THEREFORE, BE IT RESOLVED, That the Issuer approves in concept the issuance of the Bonds either separately or jointly with Berkeley and Hardy Counties, West Virginia, as requested by the Company, and the financing of all or a portion of the costs of the Project with the proceeds thereof;

BE IT FURTHER RESOLVED, That the Issuer hereby declares the official intent of the Issuer pursuant to Treasury Regulation Section 1.150-2 to reimburse the Company from the proceeds of the Bonds, which are intended to be tax-exempt revenue bonds payable from payments to be made by the Company, as further described herein, for certain capital expenditures for the costs of the acquisition, renovation, improvement and equipping of the Project made not more than sixty (60) days prior to the date of adoption of this declaration of official intent, and after date of such adoption, but prior to the issuance of the Bonds;

BE IT FURTHER RESOLVED, That the source or sources of payment for such capital expenditures were or will be from the operating fund(s) and/or reserve fund(s) of the Company, and upon issuance of the Bonds, proceeds thereof not to exceed the amount of such capital expenditures will be applied to the reimbursement of the respective funds from which these expenditures were made;

BE IT FURTHER RESOLVED, That the maximum principal amount of the Bonds to be issued for the Project (including costs of issuance of the Bonds and related costs, but not including any original issue discount) and the maximum amount of reimbursable costs is \$20,500,000, and that the Company shall provide written evidence of all reimbursement allocations not later than eighteen (18) months after the later of (i) the date the original expenditure is paid, or (ii) the date the Project is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid, as further provided in Section 1.150-2 of the Treasury Regulations, which written evidence may be satisfied by one or more requisitions submitted in connection with the subject financing;

BE IT FURTHER RESOLVED, That this is intended to constitute a "declaration of official intent" pursuant to Section 1.150.2 of the Treasury Regulations promulgated under the Code;

BE IT FURTHER RESOLVED, That the Company, its advisors, attorneys and representatives are authorized to publish a notice of a public hearing to be held before the Issuer at a later date to be coordinated with the County Administrator, pursuant to Section 147(f) of the Code, with respect to the Bonds and to proceed with the preparation of the documents relating to the Bonds, subject to review by the Issuer and its legal counsel;

BE IT FURTHER RESOLVED, That all expenses relating to the issuance of the Bonds, including without limitation the fees and expenses of bond counsel, financial advisors, underwriters, placement agents, banks, the Issuer and its counsel shall be paid by the Company and may be paid from the proceeds of the sale of the Bonds;

BE IT FURTHER RESOLVED, That the provisions hereof are not intended to, and shall not be construed or interpreted to, either (a) obligate or authorize the expenditure of any funds or moneys of the Issuer derived from any source whatsoever other than the proceeds from issuance and sale of the Bonds as provided for herein, or (b) create any personal liability of the officers or members of the Issuer. The Bonds shall never constitute an indebtedness of the State of West Virginia or the Issuer within the meaning of any constitutional provision or statutory limitation and shall never constitute or give rise to a pecuniary liability of the State or the Issuer. Neither the Bonds nor the interest thereon shall be a charge against the general credit or taxing powers of the State or the Issuer and such fact shall be plainly stated on the face of each Bond.

*BE IT FURTHER RESOLVED, That Bowles Rice McDavid Graff & Love LLP is appointed as Bond Counsel to prepare all documents with respect to the proposed issuance of the Bonds; and*

*BE IT FURTHER RESOLVED, That issuance of the Bonds may be approved by further resolution of the Issuer contingent upon the approval of the various documents relating to the issuance of the Bonds by the Issuer and its legal counsel.*

*Adopted this 30<sup>th</sup> day of July 2009.*

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*Dale Manuel, Commission President*

**IN RE: SENIOR CENTER PICNIC**

The Commission recessed at 11:30 to attend the Jefferson County Council on Aging Senior Center Picnic.

**The Commission reconvened at 1:30 p.m.**

**IN RE: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT**

No County Clerk’s report was provided this week.

**IN RE: PROCEDURAL MATTER – 125<sup>TH</sup> ANNIVERSARY OF CITIZENS FIRE COMPANY AND INDEPENDENT FIRE COMPANY**

Commissioner Manuel reported on the 125<sup>th</sup> anniversary of Citizens Fire Company and Independent Fire Company and requested approval of a commemorative Resolution.

Motion by Morgan, second by Noland to approve and authorize the Commission President’s signature upon the Resolution for Citizens Fire Company and Independent Fire Company 125<sup>th</sup> Anniversary. Motion carried.

**RESOLUTION**

*WHEREAS, both Citizen’s Fire Company, Incorporated and Independent Fire Company, No. 1, Incorporated of Charles Town, West Virginia are celebrating their 125<sup>th</sup> Anniversary, and*

*WHEREAS, throughout this 125 years of volunteer service, these companies have endeavored to provide citizens of Jefferson County with dedicated and professional fire fighting expertise, and*

*WHEREAS, these two companies have provided leadership and expertise in cooperating with other fire companies in Jefferson County as well as in adjoining states,*

*NOW THEREFORE, BE IT RESOLVED that the County Commission of Jefferson County does hereby commend and congratulate the Citizen’s Fire Company, Incorporated and Independent Fire Company, No. 1, Incorporated and each and every one of their volunteer members and auxiliary members for their exemplary service to the citizens of this county and the surrounding area, and*

*FURTHER, BE IT RESOLVED that July 14 and 15, 2009 be designated as the 125<sup>th</sup> Anniversary celebration for these two companies and that the citizens of this county be encouraged to acknowledge many services which these two companies and their members provide.*

*The foregoing Resolution adopted by a unanimous vote of the Jefferson County Commission at a Regular Session held on the 20<sup>th</sup> day of August 2009.*

**THE COUNTY COMMISSION OF  
JEFFERSON COUNTY, WEST VIRGINIA**

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*Dale Manuel, Commission President*

**IN RE: LEGISLATIVE ISSUES**

No new information was provided.

**IN RE: REPORT OF FEDERAL STIMULUS FUNDS**

Leslie D. Smith, County Administrator provided a status report on the Energy Grant application and reported on the email correspondence with Roger Ethier, Water Advisory Committee member regarding source water protection grants.

Commissioner Noland reported on Water Advisory Committee goals and objectives.

**IN RE: REVIEW/APPROVE JOB DESCRIPTIONS FOR COUNTY ADMINISTRATOR STAFF:  
ADMINISTRATIVE ASSISTANT, EXECUTIVE ASSISTANT, RECEPTIONIST/OPERATOR**

Motion by Noland, second by Manuel to approve the job descriptions for County Administrator staff.

Commissioner Surkamp requested clarification of the County Administrator's job description from legal counsel prior to approval.

In addition to job descriptions, Commissioner Widmyer requested a report on daily office operations and individual responsibilities of County Commission Administrative staff.

Leslie D. Smith, County Administrator reported on the County Commissions Administrative staff work load and responsibilities.

The Commission agreed by consensus to coordinate a future workshop with County Commission administrative staff to discuss individual responsibilities and office procedures prior to approval of job descriptions.

No action was taken on Commissioner Noland's original motion.

**IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT – CONTINUED**

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

Ms. Grove provided the Commission with the weekly to do list and reported on the following:

- o Pleadings filed in several Board of Review and Equalization Appeals;
- o Cases currently pending;
- o Hearings she has attended;
- o The status of the County Clerk's FOIA case;
- o The Bonding Committee meeting she attended;
- o Her review of the agreement received from David Hammer, Esquire for services to the Commission relating to personnel matters;
- o Her review of the Parks and Recreation contract;
- o The status of the personnel policy/employee handbook draft, and
- o Research conducted for the increase in members to the Building Commission.

The Commission agreed by consensus to amend the Building Commission bylaws to include two additional members to the committee.

Motion by Morgan, second by Surkamp to enter into Executive Session to discuss property acquisition. Motion carried.

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

No action was taken during Executive Session.

**In re: COUNTY COMMISSION WORKSHOP - SALARY EQUITY DISCUSSION**

The Commission conducted a workshop to discuss salary equity.

Motion by Noland, second by Manuel to implement the classification and compensation plan,

including the County Administrator's salary equity, as recommended by the Jacob's study. The Commission continued to discuss salary equity. Commissioner Widmyer presented a power point presentation that detailed her ideas for implementation of a classification and compensation plan.

After further discussion, the Commission agreed to hold over the motion.

The Commission agreed by consensus to authorize Leslie D. Smith, County Administrator to draft a memorandum listing the topics discussed for Commission review and further discussion.

**In re: APPOINTMENT TO THE BUILDING COMMISSION**

No new information was presented.

**In re: APPROVAL OF PRESIDENT'S SIGNATURE ON MANAGEMENT SERVICES LETTER FROM THE OFFICE OF THE STATE AUDITOR**

Motion by Surkamp, second by Widmyer to approve the President's signature on the management services letter for assistance with the financial statement, from the Office of the State Auditor at a rate of \$80 per hour. Motion carried.

**In re: COURTHOUSE COMMITTEE RECOMMENDATIONS - DISCUSSION/ACTION**

The Commission discussed the recommendations of the Courthouse Committee. Commissioner Morgan reported on the recommendations. After discussion, motion by Surkamp, second by Widmyer to support the recommendations of the Courthouse Committee and to designate the County Administrator as the point of contact for the Commission and for the Courthouse Committee to have a deadline of January 1, 2010. Motion carried.

**In re: COUNTY ADMINISTRATOR REPORTS**

The County Administrator reported on the following:

- Reminder that the tour at the Summit Point Racetrack is scheduled for September 3, 2009, at 3:00 p.m.

- The County Administrator informed the Commission of an email received concerning water meetings. The Commission requested to be put on the email list for notifications of meetings.

- The County Administrator informed the Commission that an email had been received from President Obama's staff and that he would not be able to attend the John Brown Sesquicentennial. The Commission directed the County Administrator to invite the federal legislators.

- The County Administrator reported on a cable TV complaint regarding the inability to access West Virginia Public Television due to the digital conversion. The Commission directed the County Administrator to contact the cable customer and inform them of the information she obtained about obtaining a digital converter box.

- The County Administrator reported on her recommendations for an actuarial firm. The Commission authorized the County Administrator to start negotiations and to put the matter on the next agenda.

- The County Administrator provided the Commission with a list of capital outlay payments. The Commission agreed to have the County Administrator place the information in the day book.

- The County Administrator informed the Commission that she had contacted Mr. Mickey and that he informed her that the \$250,000 was available with the priority being the Elks Run Water Study.

- The County Administrator provided the Commission with the expenditure reports.

- The County Administrator complimented the staff from Jefferson County Maintenance and the Cities of Ranson and Charles Town for their hard work in preparing for the Descendants of John Brown event. The Commission agreed to send letters to each person involved with helping with the event.

**In re: COUNTY COMMISSION REPORTS**

Commissioner Morgan reported on a Historic Landmarks Commission meeting.

Commissioner Morgan reported on a Community Criminal Justice Board meeting.  
Commissioner Surkamp reported on a E-911 meeting.  
Commissioner Manuel reported on a Jefferson County Emergency Services Agency meeting.  
Commissioner Manuel reported on a Council on Aging meeting.  
Commissioner Widmyer reported on the John Brown event.  
Commissioner Noland reported on the Senior Picnic.

**The Commission received the following information:**

Reminder of Zoning Referendum on November 7, 2009.

Reminder of County Commission meeting cancellation on Thursday, August 27, 2009.

Appointment to be made to the E911 board on September 3, 2009.

Memorandum received from Mark Schiavone concerning revised budget worksheets.

Notice of Public Hearing - Proposed Increase Emergency 911 Wireline Fee - Monday, October 5, 2009 at 7:00 p.m.

Animal Control activity report received for July 2009.

Jefferson County Fire and EMS log received for the week ending 8/9/09.

Copy of correspondence sent to Barbara Miller from Holly Morgan Frye, Shepherd University, concerning a workshop presented by Ms. Miller.

Correspondence received from the Retired Senior Volunteer Program of the Eastern Panhandle concerning the annual recognition luncheon.

Correspondence received from the Division of Highways concerning the Statewide Transportation Program.

Correspondence received from the Eastern Panhandle Free Clinic concerning funding.

Correspondence received from the West ridge Hills Owners Association, Inc. concerning test wells.

Correspondence received from Comcast concerning a channel change.

Information received concerning the fall 2009 Leadership Academy on September 25-26, 2009.

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

**The Commission received the following Correspondence:**

Correspondence received from Paula J. Frickey.

Correspondence received from John Piwowarski.

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

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DALE MANUEL, COMMISSION PRESIDENT