

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, September 17, 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 Surkamp conducted the Pledge of Allegiance.

In re: CONSTITUTION WEEK
Commissioner Morgan reminded the Commission that this week is Constitution Week.

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, September 10, 2009, and to approve the Minutes as amended. Motion carried.

In re: APPROVAL OF PURCHASE ORDERS
Motion by Noland, second by Morgan to approve the following Purchase Orders for the Week of September 14, 2009, totaling \$114,235.20: 47608, 47477, 47483, 47459, 47604, 47555, 47556, 47557, 47149, 46622, 47182, 47554, 47414, 47416, 47558, 47559, and 47560. Motion passed by a 4-1 vote. Commissioner Noland voted no.

In re: APPROVAL OF ACCOUNTS PAYABLE
Motion by Morgan, second by Widmyer to approve the list of Accounts Payable totaling \$390,421.72 dated September 17, 2009 with the exception of the invoice for election advertising in the amount of \$25.00 for further review. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CK AMT
059662	PAYROLL	AMERICAN FAMILY LIFE ICU		\$0.00	\$5,372.22	\$5,372.22
059663	406	ASSESSOR OF JEFFERSON CO	47607	\$49.50	\$0.00	\$49.50
059664	425	COMCAST		\$0.00	\$235.84	\$235.84
059665	424	AT&T/NJ		\$0.00	\$0.58	\$0.58
059666	424	USA MOBILITY WIRELESS,IN		\$0.00	\$89.16	\$89.16

059666	700	USA MOBILITY WIRELESS,IN		\$0.00	\$188.31	\$188.31
059666	712	USA MOBILITY WIRELESS,IN		\$0.00	\$400.92	\$400.92
059667	GRANT	BERKELEY COUNTY COMMISS		\$0.00	\$51,560.41	\$51,560.41
059668	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00
059669	422	B-K OFFICE SUPPLY INC	46785	\$211.20	\$0.00	\$211.20
059669	425	B-K OFFICE SUPPLY INC	47550	\$473.82	\$0.00	\$473.82
059670	424	LAIRD BUSH SPECIALTY ADV	47552	\$1,710.50	\$0.00	\$1,710.50
059671	424	BOLAND SERVICES	47288	\$166.00	\$0.00	\$166.00
059671	425	BOLAND SERVICES	47287	\$385.00	\$0.00	\$385.00
059671	425	BOLAND SERVICES	47288	\$427.00	\$0.00	\$427.00
059672	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$49.85	\$49.85
059673	PAYROLL	BUREAU F/CHILD SPprt ENF		\$0.00	\$212.31	\$212.31
059674	PAYROLL	VA DEPT OF TAXATION		\$0.00	\$299.94	\$299.94
059675	425	JANET COLLIER		\$0.00	\$20.11	\$20.11
059676	712	CDW-GOVERNMENT INC	46620	\$1,791.97	\$0.00	\$1,791.97
059677	PAYROLL	CHILD SUPPORT ENFORCE AG		\$0.00	\$27.69	\$27.69
059678	401	JAMES CASIMIRO III		\$0.00	\$504.92	\$504.92
059679	700	CARS/COMPLETE AUTO REPAI	47551	\$363.41	\$0.00	\$363.41
059680	425	CRAIGO 1ST CHOICE HEATIN	47295	\$9,562.00	\$0.00	\$9,562.00
059681	PAYROLL	COLONIAL LIFE		\$0.00	\$2,370.20	\$2,370.20
059682	403	KONICA MINOLTA	47481	\$52.95	\$0.00	\$52.95
059683	401	FEDEX		\$0.00	\$20.29	\$20.29
059683	700	FEDEX		\$0.00	\$30.01	\$30.01
059684	GRANT	FIFTH THIRD BANK	47173	\$200.11	\$0.00	\$200.11
059684	401	FIFTH THIRD BANK		\$0.00	\$1,039.50	\$1,039.50
059684	402	FIFTH THIRD BANK		\$0.00	\$29.95	\$29.95
059684	403	FIFTH THIRD BANK		\$0.00	\$264.04	\$264.04
059684	406	FIFTH THIRD BANK		\$0.00	\$974.00	\$974.00
059684	422	FIFTH THIRD BANK		\$0.00	\$25.98	\$25.98
059684	433	FIFTH THIRD BANK		\$0.00	\$302.36	\$302.36
059684	433	FIFTH THIRD BANK		\$0.00	\$11.45	\$11.45
059684	700	FIFTH THIRD BANK		\$0.00	\$484.60	\$484.60
059684	700	FIFTH THIRD BANK		\$0.00	\$42.50	\$42.50
059684	700	FIFTH THIRD BANK		\$0.00	\$71.95	\$71.95
059684	700	FIFTH THIRD BANK		\$0.00	\$519.21	\$519.21
059684	711	FIFTH THIRD BANK		\$0.00	\$318.65	\$318.65
059684	711	FIFTH THIRD BANK		\$0.00	\$44.00	\$44.00
059684	712	FIFTH THIRD BANK		\$0.00	\$333.90	\$333.90
059684	712	FIFTH THIRD BANK		\$0.00	\$550.58	\$550.58
059684	712	FIFTH THIRD BANK		\$0.00	\$1,511.24	\$1,511.24
059685	415	GENERAL COUNTY FUND-J FE		\$0.00	\$19,316.47	\$19,316.47
059686	716	HILLSIDE VETERINARY HOSP	47275	\$201.16	\$0.00	\$201.16
059687	GRANT	IDVILLE, INC	47180	\$1,318.88	\$0.00	\$1,318.88
059688	PAYROLL	ING NATIONAL TRUST		\$0.00	\$660.00	\$660.00
059689	405	JEFFERSON PUBLISH CO INC	47415	\$76.80	\$0.00	\$76.80
059690	433	JEFF CO HISTORICAL SOC	46769	\$15.00	\$0.00	\$15.00

059691	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,574.00	\$4,574.00
059692	413	JEFFERSON CO. NAACP	47442	\$25.00	\$0.00	\$25.00
059693	433	JEFFERSON CO MUSEUM	46768	\$72.99	\$0.00	\$72.99
059694	712	LANGUAGE LINE SERVICES		\$0.00	\$126.50	\$126.50
059695	425	LONG FENCE	47276	\$525.00	\$0.00	\$525.00
059696	PAYROLL	COMPTRROLLER OF MARYLAND		\$0.00	\$388.56	\$388.56
059697	424	HOME DEPOT CREDIT SERVIC		\$0.00	\$40.74	\$40.74
059697	424	HOME DEPOT CREDIT SERVIC		\$0.00	\$357.72	\$357.72
059697	425	HOME DEPOT CREDIT SERVIC		\$0.00	\$328.65	\$328.65
059697	425	HOME DEPOT CREDIT SERVIC		\$0.00	\$203.09	\$203.09
059698	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
059699	PAYROLL	MD CHILD SUPPORT ACCOUNT		\$0.00	\$18.46	\$18.46
059700	PAYROLL	MSBCBS		\$0.00	\$130,103.21	\$130,103.21
059701	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$735.21	\$735.21
059702	GRANT	NFPA	47176	\$1,491.75	\$0.00	\$1,491.75
059703	PAYROLL	NATIONWIDE MUTUAL INS CO		\$0.00	\$217.03	\$217.03
059704	ALLOC	PARTNERSHIP FOR AFFORDBL		\$0.00	\$20,000.00	\$20,000.00
059705	422	QUETEK CONSULTING CORP	46783	\$185.00	\$0.00	\$185.00
059706	ALLOC	REGION 9 PLANNING & DEVE		\$0.00	\$21,633.00	\$21,633.00
059707	PAYROLL	LECTOR DENISE RIDEOUTT		\$0.00	\$36.60	\$36.60
059708	979	SOFTWARE SYSTEMS, INC	47633	\$753.00	\$0.00	\$753.00
059709	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$27.81	\$27.81
059709	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$23,856.43	\$23,856.43
059709	PAYROLL	STATE DPT O/TAX & REVENU		\$0.00	\$11.16	\$11.16
059710	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$34,626.22	\$34,626.22
059710	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$42.16	\$42.16
059710	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$9.86	\$9.86
059710	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$8,098.08	\$8,098.08
059710	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$16.58	\$16.58
059710	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$70.94	\$70.94
059711	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$26,768.53	\$26,768.53
059711	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$49.93	\$49.93
059712	425	SOUTHERN REFRIGERATION	47553	\$182.23	\$0.00	\$182.23

059713	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
059714	415	WV STATE AUDITOR**		\$0.00	\$9,195.00	\$9,195.00
059715	716	WV BOARD VETERINARY MED		\$0.00	\$15.00	\$15.00
059716	716	WALMART BUSINESS		\$0.00	\$56.18	\$56.18
059717	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$166.50	\$166.50
059718	PAYROLL	WV CPRB/LOAN DIVISION		\$0.00	\$133.20	\$133.20
059719	413	WENDY EVANGELISTI		\$0.00	\$43.45	\$43.45
TOTALS				\$20,240.27	\$370,206.45	\$390,446.72

DEPT	NAME	DEPT AMTS
401/COM	CO. COMMISSION	\$1,564.71
402/CCLK	CO. CLERK	\$29.95
403/CIR CLK	CIRCUIT CLERK	\$316.99
404/TAX	TAX OFFICE	
405/PA	PROS ATTY	\$76.80
406/ASSR	ASSESSORS	\$1,023.50
408/GOV	ST.COMPNET CHG BO GOV UNIT	
412/AG	AG AGT	
413/ELE	ELECTION	\$68.45
415/MAG CT	MAGISTRATE COURT	
415/	GENERAL SCHOOL/CO TRANSFER	\$28,511.47
422/CP&M	CAPITAL PLANNING & MNGMNT	\$422.18
424/CTHS	COURT HOUSE	\$2,364.70
425/OB	OTHER BUILDING	\$12,342.74
428/DATAP	DATA PROCESSING	
431/ECON DEV	ECON DEV	
433/GIS	GIS/ADDRESSING	\$401.80
439/PZ	PLANNING ZONING	
440/ENG.	DEPT OF ENGINEERING	
451/ZONING	ZONING DEPT	
700/SHRF	SHERIFF DEPT	\$1,699.99
701/SHRF	SHERIFF DEPT	
704/WV JAIL	ST/WV REGIONAL JAIL	
711/OES	EMERG SVC	\$362.65
712/911	911 COMMUNICATION	\$4,715.11
716/A/C	ANIMAL CONTROL	\$272.34
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	
979/CAP/TAX	TAX OFFICE/CAPITAL OUTLAY	\$753.00
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	\$41,633.00
GRANTS	GRANTS	\$54,571.15
PAYROLL	PAYROLL	\$239,316.19

TOTALS	\$390,446.72
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The Commission agreed to send a letter of appreciation to Sally Gran for her hard work on the health insurance transition.

In re: PUBLIC COMMENT

Paul Rosa appeared before the Commission to comment on the Commission's agenda procedures regarding the Open Governmental Procedures Act.

Janine Watson appeared before the Commission to express her concerns with the Table Games Referendum.

In re: PNGI CHARLES TOWN GAMING, LLC - THE WEST VIRGINIA LOTTERY TABLES GAME ACT - REQUEST FOR SPECIAL LOCAL OPTION ELECTION ON DECEMBER 5, 2009 - DISCUSSION/ACTION

Al Britton, General Manager Charles Town Races and Slots appeared before the Commission to formally request a Special Local Option Election on Saturday, December 5, 2009 and to respond to any questions regarding the petition.

After discussion, motion by Surkamp, second by Noland to approve the request for a Special Option Election on Saturday, December 5, 2009. Motion carried.

In re: BONDING AND ACTIVITY REPORT

Jennifer Snyder, Planning and Zoning Assistant appeared before the Commission to discuss the upcoming Zoning Ordinance referendum and to request approval of advertisement regarding information on the Zoning Ordinance referendum. The Commission referred this request to legal counsel for review of the wording that would be used for the advertisement and to check the legality of the expenditures.

In re: RECOMMENDATION FOR HIRING OF A PLANNER FOR THE DEPARTMENT OF PLANNING - DISCUSSION/ACTION

Jennifer Snyder, Planning and Zoning Assistant appeared before the Commission to request approval of employment of a Planner for the Department of Planning.

Motion by Widmyer, second by Surkamp to approve the employment of Seth A. Rivard for the position of Planner within the Department of Planning. Motion carried.

In re: DAVID BARTON - OPEB PRESENTATION

David Barton, Shenandoah Valley Group discussed Other Post Employment Benefits (OPEB) liability issues in the State and recommended possible solutions to the problem.

Commissioner Widmyer referenced information item #34 information received from the West Virginia Association of Counties regarding OPEB.

In re: LOUIS B. ATHEY - REQUEST FOR EXONERATION

Motion by Morgan, second by Surkamp to deny the request from Louis B. Athey for an Exoneration and to reference that Mr. Athey was not present for his appointment. Motion carried. Stephanie Grove, Assistant Prosecuting Attorney was present and informed the Commission that she will send a letter to Mr. Athey and notify him of the decision of the County Commission.

In re: FRANK HILL - APPLICATION FOR EXONERATION OF REAL ESTATE TAXES - THE TRUSTEES OF ST. PETER'S LUTHERAN CHURCH AND THE TRUSTEES OF ST. JAMES' LUTHERAN CHURCH

D. Frank Hill, III, Attorney for the Trustees of St. Peter's Lutheran Church and the Trustees of St. James' Lutheran Church appeared before the Commission to request an Exoneration of Real Estate Taxes.

Motion by Surkamp, second by Morgan to support the approval of the Exoneration of Real Estate Taxes for the St. Peter's Lutheran Church and the St. James' Lutheran Church.

Stephanie Grove, Assistant Prosecuting Attorney was present and made comments.

Angie Banks, Assessor was present and made comments.

After further review and discussion, the original motion by Surkamp, second by Morgan to support the approval of the Exoneration of Real Estate Taxes for the St. Peter's Lutheran Church and the St. James' Lutheran Church. Motion failed by a 1-4 vote.

Commissioners Morgan, Manuel, Widmyer and Noland voted no.

For the record, Ivan Severson, Tom Delaney, Peggy Smith, Gary Ingretson, Roger Roper, Adam Link, Robert French, Elmer Vickers, Charlotte Vickers, Roger Frye and Pastor Fred Soltow were present.

In re: HEARING - PETITION FOR REMOVAL OF CO-ANCILLARY ADMINISTRATOR OF THE ESTATE OF ELVA NELLIE CRAWFORD, DECEASED, FROM THE LAW OFFICE OF DALE BUCK

D. Frank Hill, III, Counsel for Carroll M. Crawford appeared before the Commission to present a Joint Motion for Continuance and Order Granting Joint Motion for Continuance.

Motion by Morgan, second by Manuel to approve the Joint Motion for Continuance and Order Granting Joint Motion for Continuance for the Estate of Elva N. Crawford, deceased and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion carried.

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

In Re: Estate of Elva N. Crawford, deceased

Evon Williams and Fred G. Crawford,
Petitioners,

vs.
Carroll M. Crawford,
Respondent.

JOINT MOTION FOR CONTINUANCE

COMES NOW, the Petitioners, Evon Williams and Fred G. Crawford, by and through their counsel, Dale A. Buck, and the Respondent, Carroll M. Crawford, by and through his counsel, D. Frank Hill, III, and jointly move the Jefferson County Commission to continue the hearing scheduled for September 17, 2009, on the Petitioners' Petition For Removal Of Co-Ancillary Administrator on the grounds that a tentative accord has been reached between the parties which may well obviate the need for said hearing.

Notice of a rescheduled hearing shall be given by either party to the other not less than fourteen (14) days prior thereto and during such general continuance the Respondent's Reply to the Petition is stayed pending such notice.

Evon Williams and Carroll M. Crawford
Fred G. Crawford
By Counsel

Dale A. Buck
306 W. Burke Street
Martinsburg, WV 25401
(304) 260-0225
West Virginia Bar No. 4914

D. Frank Hill, III
P. O. Box A
Shepherdstown, WV 25443
(304) 876-9335
West Virginia Bar No. 1725

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

In Re: Estate of Elva N. Crawford, deceased
Evon Williams and Fred G. Crawford,
Petitioners,
vs.

Carroll M. Crawford,
Respondent.

ORDER GRANTING JOINT MOTION FOR CONTINUANCE

Upon consideration of the Joint Motion For Continuance filed herein, good grounds having been shown therefor, it is hereby ORDERED that the hearing on the Petitioners' Petition For Removal Of Co-Ancillary Administrator set for September 17, 2009, at 10:00 a.m., be continued generally pending request for hearing filed by either party, and that a copy of this Order shall be mailed to both counsel of record at their mailing addresses shown on the aforementioned Motion.

Entered this 17th day of September, 2009.

/s/ _____
Dale Manuel
President of the County
Commission of Jefferson
County, West Virginia

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

Sally Gran, Finance Clerk appeared before the Commission to give an update and status report on the new Health Insurance coverage.

In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

Stephanie Grove, Assistant Prosecuting Attorney was present and discussed the following:

- Review of CVB closing documents
- Review of the Energy Efficiency Block Grant
- Distributed the To Do List
- Clarification of representation of David Hammer, Esquire

Ralph Lorenzetti, Prosecuting Attorney was present and commented on the conversation with Mr. Hammer regarding Scope of Services.

- Employee Policy

Commissioner Widmyer requested the Ms. Grove come back next with recommendations and an approach for the Employee Policy and her recommended policy.

In re: JAMES CASIMIRO - VOTE ON FUNDING FOR EXPERT WITNESSES IN PATH CASE - DISCUSSION/ACTION

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to discuss the PATH case. Motion by Morgan, second by Surkamp to approve a retainer agreement to hire expert witnesses in the PATH Case in the amount of \$10,000 and that

the agreement should contain a list of items to do which consists of real estate property values of property located in Jefferson County. Motion carried.

Mr. Casimiro will prepare the agreement for Commission review.

Commissioner Widmyer requested that Mr. Casimiro update the Commission weekly on the PATH case and the Commission will have the updates on the web for public review.

Mr. Casimiro reported on the JCCEP Supreme Court Case.

Ralph Lorenzetti, Prosecuting Attorney was present and informed the Commission that Mr. Casimiro is working with the Community Corrections Board and that Judge Sanders wants that Board in operation by October, 2009.

In re: ASK COMMISSION TO PAY TUITION FOR F. MORGAN TO ATTEND TRANSMISSION SITING SEMINAR (FM)

Motion by Surkamp, second by Widmyer to approve the expenditure of \$395.00 for James Casimiro, Assistant Prosecuting Attorney to attend the Transmission Siting Seminar on September 30, 2009. Motion carried.

In re: APPROVAL OF EMPLOYMENT - CHARLES DANIEL HESS - SHERIFF'S LAW OFFICE - DISCUSSION/ACTION

Sheriff Shirley appeared before the Commission to request approval of employment of Charles Daniel Hess, Sheriff's Law Office. Sheriff Shirley gave an update on positions filled and positions available.

Motion by Surkamp, second by Noland to approve the employment of Charles Daniel Hess - Sheriff's Law Office with the salary to be set at \$42,300. Motion carried.

In re: LEGISLATIVE ISSUES

Commissioner Noland reported on the Regional Jail meeting and the interims. Commissioner Noland also reported on the early voting satellite precincts.

In re: REPORT ON FEDERAL STIMULUS FUNDS - DISCUSSION

Leslie D. Smith, County Administrator reported on the Energy Efficiency Grant and provided a status report on the Broadband Grant.

Commissioner Widmyer commented on a grant for data scanning and researchable documents.

Commissioner Surkamp discussed the Clean Water Project Grant that the Jefferson County Planning Commission received.

In re: CONTINUATION OF THE DELIBERATIONS ON THE SALARY EQUITY ISSUE AND A VOTE ON AN EQUITY PLAN

The Commission agreed to discuss this agenda item at 1:30 p.m. during the County Commission workshop.

In re: AUTHORIZATION TO ALLOCATE FUNDING FOR THE PURCHASE OF BUILDING FOR CONVENTION AND VISITOR'S BUREAU - DISCUSSION/ACTION

Motion by Morgan, second by Manuel to ratify the motion to allocate funding for the purchase of the building for the Jefferson County Convention and Visitor's Bureau. Motion carried.

In re: APPROVAL OF EMPLOYMENT - AERIAL CARROLL - FULL-TIME TEMPORARY DEPUTY CLERK - CIRCUIT CLERK'S OFFICE - DISCUSSION/ACTION

Motion by Noland, second by Widmyer to approve the employment of Aerial Carroll as full-time temporary Deputy Clerk. Motion carried.

In re: DRAFT AGENDA REQUEST FORM - DISCUSSION/ACTION

The Commission discussed the Draft Agenda Request Form. Commissioner Widmyer requested that an estimated amount of time be added to the form and to also include a line for a 1st and 2nd choice of date and if a specific date is needed then to clarify why the specific date is being requested.

Motion by Morgan, second by Widmyer to approve the Agenda Request Form including the following to be added: Motion carried.

- Estimate amount of time line be added to the form
- Include a line for a 1st and 2nd choice of date and if a specific date is needed then to clarify why the specific date is being requested.

In re: MARK SCHIAVONE - REVENUE ANALYSIS FOR JULY/AUGUST 2009

Mark Schiavone, Director of Capital Planning and Management appeared before the Commission to report on the Revenue Analysis for July/August 2009. No action was taken on this agenda item.

In re: MARK SCHIAVONE - DRAFT BUDGET POLICIES

Mark Schiavone, Director of Capital Planning and Management appeared before the Commission to discuss the draft Budget Policies. The Commission agreed to place this on the agenda in two weeks.

In re: DRAFT JEFFERSON COUNTY PERFORMANCE EVALUATION - FOLLOW UP IMPROVEMENT EVALUATION PLAN - DISCUSSION/ACTION

Commissioner Widmyer discussed the Draft Jefferson County Performance Evaluation Follow Up Improvement Evaluation Plan. After discussion, the Commission agreed to discuss this matter at a later time.

In re: DRAFT EMPLOYEE EVALUATION OF SUPERVISOR/DEPARTMENT HEAD/ELECTED OFFICIAL - DISCUSSION/ACTION

The Commission discussed the Draft Employee Evaluation of

Supervisor/Department Head/Elected Officials Form. After discussion, the Commission agreed to discuss this matter at a later time.

In re: DRAFT MOVING EXPENSES POLICY - DISCUSSION/ACTION

The Commission discussed the Draft Moving Expenses Policy. After discussion, the Commission agreed to add and specify the County Administrator rather than the County and to include not to exceed \$5,000 for moving expenses.

In re: COUNTY ADMINISTRATOR REPORTS

Leslie D. Smith, County Administrator appeared before the Commission to report on the following:

- Distributed the revenue and expenditure report
- Include Helen Detmer on the Census Committee
- Patty Hamilton, WVACO will be on the agenda next week at 11:15 a.m.
Comparison of BRIM Insurance Coverage to West Virginia County Risk Pool
- Copy of the BRIM Insurance Policy available for review
- Fire Company Contracts

Commissioner Manuel distributed an opinion given from the Jefferson County Emergency Services Agency regarding distribution of money to the fire departments.

Motion by Morgan, second by Manuel to reconsider the motion to send the Contracts to Fire Departments. Commissioners Morgan and Manuel withdrew their motion.

Toni Milbourne, Jefferson County Emergency Services Agency was present and made comments. The Commission agreed to keep the process the same this year and to proceed with the contracts.

In re: COUNTY COMMISSION REPORTS

Commissioner Morgan reported on two upcoming meeting with the West Virginia Public Service Commission regarding PATH on Tuesday, September 22, 2009 at 12:30 p.m. and again at 6:30 p.m. and Wednesday, September 23 at 8:30 a.m. both being held at the Frank Arts Center at Shepherd University.

Commissioner Morgan reported of an informational meeting regarding PATH on Sunday, September 20, 2009 at 3:00 p.m. at Sam Michael's Park.

Commissioner Noland reported on the Courthouse Facilities Authority meeting she attended.

Commissioner Widmyer reported on the Foreclosure Forum she attended.

Commissioner Widmyer reported on the Jefferson County Public Service District meeting she attended.

Commissioner Widmyer reported on the Parks and Recreation Commission meeting she attended.

Commissioner Manuel reported on the Parks and Recreation Commission meeting he attended.

Commissioner Manuel reported on the Council on Aging meeting he attended.

Commissioner Manuel reported on the Jefferson County Economic Development Authority meeting he attended.

Commissioner Surkamp reported on the grants that have been denied for the Jefferson County Public Service District.

Commissioner Surkamp reported on the Unified Utility meeting he attended.

Commissioner Morgan reported on the Farmland Protection Board meeting she attended.

Commissioner Morgan reported on the Community Corrections Board meeting she attended.

Commissioner Morgan reported on the Open House at the new center for the Day Reporting Center on Tuesday, October 13, 2009 at 5:00 p.m.

The Commission recessed for lunch at 12:45 p.m. The Commission reconvened at 1:35 p.m.

In re: COUNTY COMMISSION WORKSHOP

The Commission agreed to discuss agenda item #13 "CONTINUATION OF THE DELIBERATIONS ON THE SALARY EQUITY ISSUE AND A VOTE ON AN EQUITY PLAN" during the County Commission Workshop.

In re: CONTINUATION OF THE DELIBERATIONS ON THE SALARY EQUITY ISSUE AND A VOTE ON AN EQUITY PLAN

Leslie D. Smith, County Administrator distributed a chart that identifies the cost and a spreadsheet of employees to be brought to minimum range.

Motion by Noland, second by Widmyer to implement the Jacob's Study to the degree and to accept the minimum salary range for those employees who are not up to that level and that we use the \$225,000 allocated for this purpose and that we use the remaining \$275,000 to distribute for future salary purposes. Motion passed by a 3-2 vote.

Commissioners Morgan and Surkamp voted no.

Motion by Manuel, second by Noland to make the effective date July 1, 2009 subject to legal review. Motion passed by a 3-2 vote. Commissioners Surkamp and Morgan voted no.

The Commission recessed at 2:05 p.m. The Commission reconvened at 2:30 p.m.

In re: DEPARTMENT HEAD EVALUATION

Leslie D. Smith, County Administrator, appeared before the Commission for her Department Head Evaluation. Peter Chakmakian, legal counsel for Ms. Smith, was also present. Ms. Smith chose to have the evaluation in open session. The Commission proceeded with the department head evaluation and each Commissioner presented their

individual evaluations of Ms. Smith. After the Commission had completed presenting their evaluations, Ms. Smith requested 3 weeks to review her evaluation and to prepare a response. After discussion, motion by Widmyer, second by Surkamp to continue with the department head evaluation next week with the Commission's legal counsel present. Motion passed by a 3-2 vote. Commissioners Manuel and Noland voted no. Ms. Smith also provided a self evaluation, as provided on the County's employee evaluation form.

The Commission received the following information:

Reminder of Zoning Referendum on November 7, 2009

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

Correspondence received from Charles Friddle, Allegheny Energy regarding Public Comment Hearings on the PATH project for West Virginia.

Information received concerning the Chesapeake Bay Small Watershed Grant.

Notice received of the Rumsey Radio Hour on September 19-20, 2009.

Information received from the Association of Counties concerning OPEB.

Information received from the Association of Counties concerning the Fall Board of Directors Meeting.

Copies of articles from *Views & Visions* received from the Association of Counties.

Community Bulletin received from the Harpers Ferry National Historical Park.

Distribution of Banc One Investment Advisors Settlement Dollars received.

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

PRESIDENT