

**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, October 1, 2009 beginning at 9:30 o'clock a.m.

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

Commissioner Dale Manuel was absent

**IN RE: PLEDGE OF ALLEGIANCE**

Commissioner Widmyer conducted the Pledge of Allegiance.

**IN RE: PROCEDURAL MATTER**

Commissioner Surkamp requested "Transitional Matters" be placed on next week's agenda in order to discuss agenda procedures and policies.

**IN RE: DEPARTMENT HEAD EVALUATION**

The Commission agreed to reschedule the Department Head evaluation for Roger Goodwin, Engineering Director on October 8, 2009.

**IN RE: BONDING AND ACTIVITY REPORT**

Sandra McDonald, Interim County Administrator reported there was no bonding for the week of October 1, 2009.

**IN RE: APPROVAL OF MINUTES**

Motion by Morgan, second by Noland to dispense with the reading of the Minutes for the meeting held on Thursday, September 24, 2009 and to approve the Minutes as amended. Motion carried.

**IN RE: APPROVAL OF PURCHASE ORDERS**

Motion by Morgan, second by Noland to approve the following Purchase Orders for the week of October 1, 2009 totaling \$11,982.45: 47610, 47443, 47447, 47448, 47449, 47676, 46623, 47150, 47134, 47135, 47186, 47572, 47417, 47575, 47635 and 47636. Motion carried.

**IN RE: APPROVAL OF ACCOUNTS PAYABLE**

Motion by Noland, second by Surkamp to approve the list of Accounts Payable for October 1, 2009 totaling \$1,322,880.03. Motion carried by a 3 to 1 vote; Commissioner Morgan voted no.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CK Amount
059767	712	AT&T/KY		\$0.00	\$44.89	\$44.89
059768	ALLOC	AHA/ART&HUMANITIES		\$0.00	\$8,333.25	\$8,333.25
059769	412	BARDANE PUBLIC HEALTH		\$0.00	\$383.00	\$383.00
059769	431	BARDANE PUBLIC HEALTH		\$0.00	\$308.33	\$308.33
059770	GRANT	BERKELEY CO COMMISS		\$0.00	\$465.30	\$465.30
059771	ALLOC	BOLIVAR/HARPERS FERRY		\$0.00	\$19,100.00	\$19,100.00

059772	PAYROLL	CHILD SUPPORT BUREAU		\$0.00	\$72.00	\$72.00
059773	425	B-K OFFICE SUPPLY INC	47563	\$120.00	\$0.00	\$120.00
059774	700	BLUE RIDGE AUTO GLASS	47566	\$255.58	\$0.00	\$255.58
059775	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$49.85	\$49.85
059776	ALLOC	BAKERTON FIRE DEPT		\$0.00	\$65,000.00	\$65,000.00
059777	ALLOC	BLUE RIDGE COMMUNITY		\$0.00	\$5,000.00	\$5,000.00
059778	PAYROLL	BUREAU F/CHILD SPRT ENF		\$0.00	\$212.31	\$212.31
059779	716	BLUE RIDGE VETERINARY		\$0.00	\$53.20	\$53.20
059780	ALLOC	CITIZENS FIRE COMPANY		\$0.00	\$65,000.00	\$65,000.00
059781	440	CREAMERS AUTO SERVICE	47567	\$57.38	\$0.00	\$57.38
059781	700	CREAMERS AUTO SERVICE	47567	\$31.45	\$0.00	\$31.45
059782	700	CREAMERS WRECKER SVC	47467	\$85.00	\$0.00	\$85.00
059783	425	OLD CT LIBRARY		\$0.00	\$1,500.00	\$1,500.00
059783	ALLOC	OLD CT LIBRARY		\$0.00	\$19,100.00	\$19,100.00
059784	PAYROLL	CHILD SUPPORT ENFORCE		\$0.00	\$27.69	\$27.69
059785	700	C.A.R.S	47568	\$750.86	\$0.00	\$750.86
059786	405	KONICA MINOLTA	47409	\$517.68	\$0.00	\$517.68
059786	406	KONICA MINOLTA	47082	\$317.45	\$0.00	\$317.45
059787	425	J.C.EHRLICH		\$0.00	\$200.00	\$200.00
059788	424	FRONTIER		\$0.00	\$1,066.62	\$1,066.62
059789	402	FRANK PARSONS INC.	47466	\$65.99	\$0.00	\$65.99
059790	700	GALLS,AN ARAMARK CO	47032	\$275.20	\$0.00	\$275.20
059791	PAYROLL	GUARDIAN		\$0.00	\$6,747.40	\$6,747.40
059791	PAYROLL	GUARDIAN		\$0.00	\$1,579.70	\$1,579.70
059791	PAYROLL	GUARDIAN		\$0.00	\$0.07	\$0.07
059792	425	GRAINGER, INC	47565	\$161.60	\$0.00	\$161.60
059793	406	GUTTMAN OIL CO		\$0.00	\$348.14	\$348.14
059793	424	GUTTMAN OIL CO		\$0.00	\$893.33	\$893.33
059793	440	GUTTMAN OIL CO		\$0.00	\$270.66	\$270.66
059793	700	GUTTMAN OIL CO		\$0.00	\$5,837.23	\$5,837.23
059793	711	GUTTMAN OIL CO		\$0.00	\$213.33	\$213.33
059793	712	GUTTMAN OIL CO		\$0.00	\$176.31	\$176.31
059793	716	GUTTMAN OIL CO		\$0.00	\$554.59	\$554.59
059794	ALLOC	INDEPENDENT FIRE CO		\$0.00	\$65,000.00	\$65,000.00
059795	700	INTERNATIONAL POLYGR	47030	\$1,400.00	\$0.00	\$1,400.00
059796	PAYROLL	ING NATIONAL TRUST		\$0.00	\$660.00	\$660.00
059797	ALLOC	JEFFERSON CO BD OF HEALT		\$0.00	\$8,196.83	\$8,196.83
059797	ALLOC	JEFFERSON CO BD OF HEALT		\$0.00	\$64,721.75	\$64,721.75
059798	ALLOC	JEFFERSON CO EMERGENCY		\$0.00	\$480,000.00	\$480,000.00
059799	425	JEFFERSON COUNTY SOLID	47564	\$110.93	\$0.00	\$110.93
059800	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,474.00	\$4,474.00

059801	700	LEXIS NEXIS	47036	\$305.94	\$0.00	\$305.94
059802	PAYROLL	COMPTROLLER OF MD		\$0.00	\$405.27	\$405.27
059803	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
059804	ALLOC	MIDDLEWAY VOLUNTEER		\$0.00	\$65,000.00	\$65,000.00
059805	PAYROLL	MD CHILD SUPPORT ACCT		\$0.00	\$18.46	\$18.46
059806	PAYROLL	MSBCBS		\$0.00	\$133,327.88	\$133,327.88
059807	700	NATL PUBLIC SAFETY INFO	47029	\$288.00	\$0.00	\$288.00
059808	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$735.21	\$735.21
059809	ALLOC	JEFF CO PARKS &		\$0.00	\$61,468.50	\$61,468.50
059810	402	PIFER OFFICE SUPPLY, INC	47456	\$50.88	\$0.00	\$50.88
059810	404	PIFER OFFICE SUPPLY, INC	47634	\$87.30	\$0.00	\$87.30
059811	413	RAI GROUP 43, LLC		\$0.00	\$1,699.00	\$1,699.00
059812	424	RCS SECURITY	47571	\$2,641.50	\$0.00	\$2,641.50
059813	700	RAY ALLEN MFG	47035	\$668.90	\$0.00	\$668.90
059814	ALLOC	SHEPTOWN PUB LIBRAR		\$0.00	\$19,100.00	\$19,100.00
059815	ALLOC	SOUTH JEFFERSON PUBLIC		\$0.00	\$19,100.00	\$19,100.00
059816	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$9.86	\$9.86
059816	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$35,023.60	\$35,023.60
059816	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$8,191.20	\$8,191.20
059816	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$42.16	\$42.16
059817	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$27,053.16	\$27,053.16
059818	700	DANA SAFETY SUPPLY INC.	47034	\$1,776.84	\$0.00	\$1,776.84
059819	975	SUMMIT COMMUNITY BANK		\$0.00	\$2,441.41	\$2,441.41
059820	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
059821	425	HAGEMEYER	47562	\$156.25	\$0.00	\$156.25
059822	PAYROLL	TIME INSURANCE CO		\$0.00	\$166.36	\$166.36
059823	712	VALLEY TWO-WAY, INC	47129	\$168.00	\$0.00	\$168.00
059824	403	VITAL SIGNS	47473	\$650.00	\$0.00	\$650.00
059825	PAYROLL	WV BD O/RISK-INS MGT-#31		\$0.00	\$89,547.00	\$89,547.00
059826	401	WV STATE AUDITOR		\$0.00	\$14,915.00	\$14,915.00
059827	700	WV SHERIFFS ASSOCIATION	47028	\$800.00	\$0.00	\$800.00
059828	700	WEST VIRGINIA UNIFORM-52	47033	\$166.69	\$0.00	\$166.69
059829	700	WV SIGNAL & LIGHT, INC.	47031	\$6,312.00	\$0.00	\$6,312.00
059830	412	CRAIG W YOHN		\$0.00	\$523.25	\$523.25
<b>TOTALS</b>				<b>\$18,221.42</b>	<b>\$1,304,658.61</b>	<b>\$1,322,880.03</b>

**IN RE: APPROVAL OF DEPUTY RESERVES**

Lt. Tom Hansen from the Jefferson County Sheriff's Department appeared before the Commission to request approval of two new Reserve Deputies.

Motion by Morgan, second by Surkamp to approve Robert Lowe and Scott Douglas Miller as Jefferson County Sheriff's Deputy Reserve Volunteers. Motion carried.

**IN RE: PUBLIC COMMENT**

Toni Milbourne appeared before the Commission to report on the progress of the Broadband Grantwriting Committee. Ms. Milbourne further discussed the Committee's goals and objectives and asked that a letter of support be sent to Kellie Goes.

**IN RE: BONDING AND ACTIVITY REPORT – Continued**

Jennie Brockman, Planning and Zoning appeared before the Commission with the weekly activity report.

Ms. Brockman introduced the new Planning and Zoning Department Planner, Seth Rivard. Ms. Brockman reported on Mr. Rivard's credentials and objectives for the Department of Planning and Zoning.

Ms. Brockman provided a status report on the Supreme Court's decision for the 2005 Zoning Ordinance amendments.

**IN RE: LEGISLATIVE ISSUES**

Commissioner Noland reported on the West Virginia Association of Counties upcoming Legislative meeting.

Commissioner Surkamp reported on the Council of Governments meeting he attended.

**IN RE: ROBERT C. TABB - RESTRICTIONS ON A MARKET TO SELL FARM PRODUCTS**

Robert C. Tabb appeared before the Commission to express concerns with the restrictions for acquiring a farmer's market license to sell farm products locally due to language within the proposed Zoning Ordinance.

Jennie Brockman, Planning and Zoning Director was present and reported on permitted use permits and the necessity of a site plan with the exception of Agricultural uses.

Jennifer Snyder, Zoning Administrator was present and reported on the objectives of the proposed Zoning Ordinance.

Motion by Widmyer, second by Morgan to authorize the Department and Planning and Zoning to draft an amended rural site plan that addresses the needs of area farmers for Commission review and consideration. Motion carried.

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

Commissioner Surkamp reported on the upcoming meeting with Sherry Hoff from the Board of Education on Tuesday, October 6, 2009 at 2:00 p.m. to discuss and understand grant writing strategies and objectives.

Commissioner Widmyer requested the Commission consider hiring or contracting a professional grant writer for Jefferson County.

**IN RE: APPROVAL OF EMPLOYMENT - MARGARET FAZENBAKER - ASSESSOR'S OFFICE**

Motion by Noland, second by Surkamp to approve the temporary part-time employment of Margaret Fazenbaker in the Assessor's Office. Motion carried.

**IN RE: APPOINTMENT TO SHERIFF'S CIVIL SERVICE COMMISSION**

The Commission agreed by consensus to schedule interviews for the interested applicants to the Sheriff's Civil Service Commission and table this matter for one week.

**IN RE: COUNTY ADMINISTRATOR REPORTS**

Sandra McDonald, Interim County Administrator reported on the objective, "Organizational Planning" to be placed on next week's agenda.

Ms. McDonald provided a reminder of the public hearing for the proposed increase to Emergency 911 Wireline Fee on Monday, October 5, 2009 at 7:00 p.m.

Ms. McDonald reported on proposed agenda policies and procedures being implemented.

**IN RE: COUNTY COMMISSION REPORTS**

Commissioner Morgan reported on the Workforce Investment Board meeting she attended.

Commissioner Surkamp reported on the Council of Government meeting he attended.

Commissioner Widmyer reported on the Region 9 GIS Users Group Conference she attended with Todd Fagan, GIS Coordinator.

Commissioner Widmyer reported on the Farm Bureau Annual Dinner she attended.

Commissioner Widmyer expressed concerns with the county's web site.

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

Jennifer S. Maghan, County Clerk appeared before the Commission for the weekly County Clerk's report.

Ms. Maghan reported on authorization and signature requirements for county accounts and insurance and requested Commission direction.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on the legalities of designating a Plan Administrator for insurance and county accounts.

Motion by Morgan, second by Surkamp to approve Sandra McDonald and Sally Gran as Plan Administrators and authorize their signatures upon county accounts and insurance documents. Motion carried by a 3-1 vote; Commissioner Widmyer voted no.

Ms. Maghan reported on Brickstreet and West Virginia Risk Pool statistics.

Ms. Maghan reported on Guardian Insurance and Blue Cross/Blue Shield expenditures.

Ms. Maghan reported on the Christmas club fund offered to county employees.

Ms. Maghan requested Commission direction to proceed with the sorting and indexing of County Commission records and files.

The Commission agreed by consensus to authorize Sandra McDonald, Interim County Administrator; Jennifer S. Maghan, County Clerk and Stephanie Grove, Assistant Prosecuting Attorney to coordinate a plan to organize, inventory, index and scan County Commission records and files.

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

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 The opinion received from the West Virginia State Auditor's Office with regard to approving retro-active pay raises;
- o The status of the FOIA case involving the Shepherdstown Observer vs. Jennifer S. Maghan, County Clerk.

James Casimiro, Assistant Prosecuting Attorney appeared before the Commission to report on the Supreme Court's decision with regard to the 2005 Zoning Ordinance amendments and the PATH Transmission Summit he attended.

**IN RE: PROCEDURAL MATTER**

Commissioner Surkamp requested clarification on upcoming agenda items from Sandra McDonald, Interim County Administrator.

Ms. McDonald reported on the requests she has received and items that will be placed on next week's agenda.

**IN RE: PROCEDURAL MOTION**

Motion by Morgan, second by Noland to adjourn for lunch recess at 11:14 a.m. and reconvene at 1:30 p.m. Motion carried.

**IN RE: COUNTY COMMISSION WORKSHOP - ARCHITECTURAL WORKSHOP FOR THE PROPOSED JUDICIAL BUILDING**

Mr. Kirk Davis, Capital Project Manager appeared before the Commission to report on the proposed building concepts to be presented by Mr. Potts and stimulus and capital funds to be utilized in support of the Judicial Building project.

Mr. Tom Potts appeared before the Commission with a Power Point presentation and report of the design phases and building specifications for the proposed Judicial Center.

Mr. Potts reported on the Historical Landmarks Commission and Courthouse Committee's review and input.

The Honorable David Sanders, Judge appeared before the Commission for comments and recommendations.

Mr. Potts further provided potential design and interior floor plan alternatives for the proposed Judicial Center with an overview of the exterior design.

Mr. Potts reported on the objectives of the building concepts in order to maintain historical integrity.

Mark Schiavone, Capital Planning and Management Director was present for comments and recommendations.

The Commission discussed various alternatives to the building specifications and requested Mr. Potts draft a revised interior plan for further review and consideration at a later time.

**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.

Reminder of appointment to the Eastern Panhandle Transit Authority on October 8, 2009.

Financial summary for the 4<sup>th</sup> quarter of FY 2009 received from the Development Authority.

Correspondence received from the Berkeley/Jefferson Day Report Center concerning funding.

Memorandum received from the Jefferson County Emergency Services Agency concerning distribution of funds.

Correspondence received from the City of Ranson concerning the Urban Growth Boundary.

Correspondence received from Peter L. Chakmakian concerning the County Administrator's evaluation.

Correspondence received from Tessa Reed concerning Leslie Smith.

Correspondence received from Joan Mercer concerning Leslie Smith.

Information received from Lt. Thomas H. Hansen concerning the federal equipment grant.

Correspondence received from the Comcast concerning updates.

Information received from the County Commissioners' Association concerning regional jail per diem.

Reminder received from the Association of Counties of the Fall Board Meeting.

Correspondence received from the Horsemen's Benevolent and Protective Association concerning the West Virginia Breeders Classics.

Correspondence received from the American Conservation Film Festival concerning their traveling festival.

Information received from the Association of Counties concerning Recovery Zone Bonds.

Correspondence received from Municipal Emergency Services, Inc. concerning consolidation of warehouses.

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

**The Commission received the following Correspondence:**

Correspondence received from Gil N. Garcia concerning the Planning Commission agenda.

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

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JAMES SURKAMP, PRESIDENT PRO TEM