

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 8, 2009 beginning at 9:30 o'clock a.m.

PRESENT: Dale Manuel, Commission 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 Widmyer to dispense with the reading of the Minutes for the meeting held on Thursday, October 1, 2009 and to approve the Minutes as presented. Motion carried.
Motion by Morgan, second by Noland to dispense with the reading of the Minutes for the Special Session held on Tuesday, September 29, 2009 and to approve the Minutes as presented. Motion carried.
Motion by Morgan, second by Widmyer to dispense with the reading of the Minutes for the Special Session held on Monday, October 5, 2009 and to approve the Minutes as presented. Motion carried.

IN RE: APPROVAL OF PURCHASE ORDERS
Motion by Widmyer, second by Morgan to approve the following Purchase Orders for the week of October 8, 2009 totaling \$63,736.89: 47611, 47482, 47487, 45550, 47576, 47588, 47444, 47446, 47469, 47674, 47096, 47097, 46770, 47548, 47586, 47587, 47589, 47591, 47593, 47595, 47418, 47419, 47037, 47038, 47039, 47041, 47042, 47043, 47044, 47045, 47046, 47047 and 47594. Motion carried.

IN RE: APPROVAL OF ACCOUNTS PAYABLE
Motion by Noland, second by Manuel to approve the list of accounts payable for October 8, 2009 totaling \$100,614.81 excluding the expense from Fifth Third Bank in the amount of \$850.18. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	Ck Amount
059832	413	ALLEGHENY POWER		\$0.00	\$57.16	\$57.16
059833	716	AMERICAN INTERNATIONAL		\$0.00	\$254.94	\$254.94
059834	425	ABH SERVICES, INC.		\$0.00	\$9,507.00	\$9,507.00
059835	716	ANIMAL CARE EQUIP&SERVIC	47325	\$495.79	\$0.00	\$495.79
059836	404	AMERITEL CORP	47636	\$699.60	\$0.00	\$699.60
059837	PAYROLL	BRICKSTREET MUTUAL INSUR		\$0.00	\$30,821.17	\$30,821.17
059838	425	BERKELEY CLUB BEVERAGES		\$0.00	\$97.75	\$97.75
059839	424	CHARLES TOWN WATER DEPT		\$0.00	\$196.96	\$196.96
059839	425	CHARLES TOWN WATER DEPT		\$0.00	\$933.39	\$933.39
059840	433	CDW-GOVERNMENT INC	46623	\$111.88	\$0.00	\$111.88
059841	413	CHARLES TOWN COPYING	47443	\$840.00	\$0.00	\$840.00

059842	401	JAMES CASIMIRO III		\$0.00	\$820.62	\$820.62
059843	700	C.A.R.S.	47575	\$487.78	\$0.00	\$487.78
059844	425	DAYCON	47572	\$577.38	\$0.00	\$577.38
059845	424	J.C.EHRLICH		\$0.00	\$31.00	\$31.00
059845	424	J.C.EHRLICH		\$0.00	\$31.00	\$31.00
059845	425	J.C.EHRLICH		\$0.00	\$403.42	\$403.42
059845	425	J.C.EHRLICH		\$0.00	\$397.00	\$397.00
059846	ALLOC	EASTERN PANHANDLE FREE		\$0.00	\$10,000.00	\$10,000.00
059847	413	ENTERPRISE RENT A CAR	47449	\$290.15	\$0.00	\$290.15
059848	443	FIFTH THIRD BANK	47177	\$154.66	\$0.00	\$154.66
059848	711	FIFTH THIRD BANK	47181	\$895.00	\$0.00	\$895.00
059848	711	FIFTH THIRD BANK	47184	\$174.20	\$0.00	\$174.20
059848	711	FIFTH THIRD BANK	47185	\$26.00	\$0.00	\$26.00
059848	402	FIFTH THIRD BANK		\$0.00	\$29.95	\$29.95
059848	402	FIFTH THIRD BANK		\$0.00	\$779.09	\$779.09
059848	404	FIFTH THIRD BANK		\$0.00	\$208.28	\$208.28
059848	413	FIFTH THIRD BANK		\$0.00	\$653.02	\$653.02
059848	422	FIFTH THIRD BANK		\$0.00	\$67.98	\$67.98
059848	422	FIFTH THIRD BANK		\$0.00	\$782.20	\$782.20
059848	433	FIFTH THIRD BANK		\$0.00	\$25.00	\$25.00
059848	700	FIFTH THIRD BANK		\$0.00	\$13.72	\$13.72
059848	700	FIFTH THIRD BANK		\$0.00	\$452.23	\$452.23
059848	711	FIFTH THIRD BANK		\$0.00	\$39.00	\$39.00
059848	711	FIFTH THIRD BANK		\$0.00	\$671.97	\$671.97
059848	711	FIFTH THIRD BANK		\$0.00	\$74.19	\$74.19
059848	712	FIFTH THIRD BANK		\$0.00	\$26.09	\$26.09
059848	712	FIFTH THIRD BANK		\$0.00	\$35.89	\$35.89
059848	712	FIFTH THIRD BANK		\$0.00	\$55.83	\$55.83
059848	712	FIFTH THIRD BANK		\$0.00	\$41.57	\$41.57
059848	712	FIFTH THIRD BANK		\$0.00	\$32.55	\$32.55
059849	716	GALLS,AN ARAMARK CO	47323	\$95.72	\$0.00	\$95.72
059850	425	GRAINGER, INC	47573	\$99.05	\$0.00	\$99.05
059851	440	ROGER GOODWIN		\$0.00	\$22.91	\$22.91
059852	711	INTERNATIONAL ASSOCIATIO	47186	\$170.00	\$0.00	\$170.00
059853	425	IDVILLE, INC	47676	\$438.27	\$0.00	\$438.27
059854	401	IKON OFFICE SOLUTIONS		\$0.00	\$322.16	\$322.16
059855	401	JEFFERSON PUBLISH CO INC		\$0.00	\$177.60	\$177.60
059856	401	THE JOURNAL		\$0.00	\$38.90	\$38.90
059857	700	MCKINNEY'S AUTO REPAIR	47574	\$40.09	\$0.00	\$40.09
059858	402	KAREN OLDEN		\$0.00	\$103.21	\$103.21
059859	403	PIFER OFFICE SUPPLY, INC	47486	\$32.78	\$0.00	\$32.78

059859	406	PIFER OFFICE SUPPLY, INC	47610	\$194.31	\$0.00	\$194.31
059860	712	JEFFREY POLCZYNSKI		\$0.00	\$171.60	\$171.60
059861	424	LANDMARK ELEVATOR INC.	47286	\$80.00	\$0.00	\$80.00
059861	425	LANDMARK ELEVATOR INC.	47286	\$240.00	\$0.00	\$240.00
059862	413	RAI GROUP 43, LLC	47447	\$2,240.30	\$0.00	\$2,240.30
059863	402	RECORD MANAGEMENT SOL	47314	\$35.00	\$0.00	\$35.00
059864	PAYROLL	RETIREE HLTH BENEFIT TRS		\$0.00	\$8,164.00	\$8,164.00
059865	401	RIDGEFIELD FARM & ORCHAR		\$0.00	\$309.00	\$309.00
059866	424	SMITH-NADENBOUSCH		\$0.00	\$376.00	\$376.00
059867	401	SOFTWARE SYSTEMS, INC		\$0.00	\$323.50	\$323.50
059867	402	SOFTWARE SYSTEMS, INC		\$0.00	\$118.50	\$118.50
059867	403	SOFTWARE SYSTEMS, INC		\$0.00	\$592.00	\$592.00
059867	404	SOFTWARE SYSTEMS, INC		\$0.00	\$783.00	\$783.00
059867	405	SOFTWARE SYSTEMS, INC		\$0.00	\$244.00	\$244.00
059867	700	SOFTWARE SYSTEMS, INC		\$0.00	\$30.50	\$30.50
059868	404	SPECIALTY BUS SUPPLIES	47635	\$585.00	\$0.00	\$585.00
059869	711	STAPLES CREDIT PLAN	47179	\$56.58	\$0.00	\$56.58
059869	711	STAPLES CREDIT PLAN	47182	\$761.09	\$0.00	\$761.09
059869	401	STAPLES CREDIT PLAN		\$0.00	\$17.98	\$17.98
059869	402	STAPLES CREDIT PLAN		\$0.00	\$159.98	\$159.98
059869	405	STAPLES CREDIT PLAN		\$0.00	\$131.96	\$131.96
059869	406	STAPLES CREDIT PLAN		\$0.00	\$123.98	\$123.98
059869	422	STAPLES CREDIT PLAN		\$0.00	\$237.93	\$237.93
059869	424	STAPLES CREDIT PLAN		\$0.00	\$651.05	\$651.05
059869	433	STAPLES CREDIT PLAN		\$0.00	\$33.71	\$33.71
059869	439	STAPLES CREDIT PLAN		\$0.00	\$154.68	\$154.68
059869	440	STAPLES CREDIT PLAN		\$0.00	\$69.96	\$69.96
059869	712	STAPLES CREDIT PLAN		\$0.00	\$1,127.48	\$1,127.48
059869	716	STAPLES CREDIT PLAN		\$0.00	\$205.48	\$205.48
059870	712	SEN COMMUNICATIONS	47134	\$175.00	\$0.00	\$175.00
059870	712	SEN COMMUNICATIONS	47135	\$339.06	\$0.00	\$339.06
059871	425	SHEN VALLEY WATER		\$0.00	\$587.70	\$587.70
059872	402	UNITED SYS & SOFTWAR		\$0.00	\$206.00	\$206.00
059872	403	UNITED SYS & SOFTWAR		\$0.00	\$177.00	\$177.00
059873	712	UPS		\$0.00	\$14.03	\$14.03
059874	716	VALLEY PET CEMETERY		\$0.00	\$465.00	\$465.00
059875	712	VERIZON		\$0.00	\$3,882.45	\$3,882.45
059876	405	WEST PAYMENT CENTER	47417	\$3,595.07	\$0.00	\$3,595.07
059877	425	WM OF WEST VIRGINIA		\$0.00	\$1,049.94	\$1,049.94
059877	716	WM OF WEST VIRGINIA		\$0.00	\$92.37	\$92.37
059878	PAYROLL	WORKTECH		\$0.00	\$100.00	\$100.00

059879	712	WV CHAPTER APC0	47150	\$1,175.00	\$0.00	\$1,175.00
059880	PAYROLL	WV BUREAU OF EMPLOY		\$0.00	\$4,328.18	\$4,328.18
059881	402	XEROX COPORATION	46690	\$1,736.48	\$0.00	\$1,736.48
059882	412	CRAIG W YOHN		\$0.00	\$439.86	\$439.86
059883	413	REVA MICKEY		\$0.00	\$100.00	\$100.00
059884	413	GARY DUNGAN		\$0.00	\$100.00	\$100.00
Totals				\$16,841.24	\$83,773.57	\$100,614.81

IN RE: PUBLIC COMMENT

Patience Wait appeared before the Commission on behalf of the Ohio Valley Environmental Council to present them with a book and CD Rom, "Plundering Appalachia" with a letter that she received from the Ohio Valley Environmental Council, Coal River Mountain Watch and West Virginia Highlands Conservancy.

Tish Appignani appeared before the Commission to invite them to the Jefferson County Convention and Visitors Bureau Ribbon Cutting on October 15, 2009. Ms. Appignani reported on the upgrades renovations made to the Jefferson County Convention and Visitors Bureau facility.

With consideration to Ms. Appignani's report the Commission agreed to convert this matter into an appointment. Ms. Appignani reported on the storage capabilities and future renovations being coordinated to the Jefferson County Convention and Visitors Bureau facility.

Paul Rosa appeared before the Commission to express concerns with "Open Government Proceedings Act" with consideration to items on the Commission's agenda.

IN RE: BONDING AND ACTIVITY REPORT

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Morgan, second by Widmyer to approve the partial release of a construction bond in the amount of \$56,683.00 for Mark L. and Donna O. Butcher – Angus View Subdivision; Lots 1-6 and Lots 7-Residue with the County to retain \$53,702.00. Motion carried.

Mr. Goodwin reported on the maintenance requirements for subdivision Home Owners Associations for storm water management systems.

The Commission discussed coordinating with the Department of Environmental Protection and the Public Service District to draft a proposed Memorandum of Understanding for additional enforcement of subdivision storm water management systems by Home Owners Associations.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Noland, second by Morgan to approve the complete release of an Irrevocable Letter of Credit in the amount of \$12,317.00 for Flowing Springs Road, LLC – Cambridge Manufactured Home Development Section 4, Phase 2, Lots 76-79 and 100-101. Motion carried.

Jennie Brockman, Planning and Zoning Director appeared before the Commission with a presentation of outreach materials being proposed to promote public awareness for the upcoming Zoning Referendum. Ms. Brockman reported on revisions made to the materials previously presented. The Commission agreed to review the materials presented by Ms. Brockman further and place them on next week's agenda for approval.

Ms. Brockman reported on upcoming meetings and group seminars she will be attending to promote public awareness.

Ms. Brockman and Commission members discussed specifications of the November 7, 2009 Zoning Referendum.

IN RE: RESOLUTION RECOMMENDING COUNTY COMMISSION SUPPORT OF THE PROPOSED ZONING ORDINANCE AND ZONING MAP

Ms. Brockman reported on the proposed Resolution presented by the Planning Commission and

requested the Commission’s approval.

With consideration to his opposing Planning Commission vote on September 22, 2009 for the proposed “Resolution Recommending County Commission Support of the Proposed Zoning Ordinance and Zoning Map”, Commission Surkamp excluded himself from this agenda matter.

Motion by Morgan, second by Widmyer to approve the Resolution Recommending County Commission Support of the Proposed Zoning Ordinance and Zoning Map as presented.

Commissioner Noland reported on the Supreme Court’s decision and expressed concerns with the proposed Resolution and pending Zoning Referendum.

Commissioner Manuel expressed concerns with approval of the Resolution with consideration to Jefferson County citizen input and how the Resolution could affect their decision prior to the voting referendum. Other Commissioner’s also expressed their concerns with the Resolution.

Commissioner Morgan withdrew her motion.

No action was taken on this agenda item.

Ms. Brockman reported on her participation with Leadership Jefferson.

IN RE: OVERVIEW OF PLANNING AND ZONING DEPARTMENT’S OUTREACH EFFORTS RELATED TO NOVEMBER 7, 2009 ZONING REFERENDUM VOTE

This matter was discussed under agenda item: “Bonding and Activity Report”.

IN RE: SHERIFF’S CIVIL SERVICE COMMISSION APPOINTMENT INTERVIEWS/ACTION

Ed Kautz appeared before the Commission for an interview to the Sheriff’s Civil Service Commission.

Nomination by Surkamp to appoint Ed Kautz to the Sheriff’s Civil Service Commission for one four-year term ending October 8, 2013.

Nomination by Morgan to appoint Ed Kautz to the Sheriff’s Civil Service Commission for one four-year term ending October 8, 2013.

Nomination by Widmyer to appoint Frank Rosario to the Sheriff’s Civil Service Commission for one four-year term ending October 8, 2013.

Nominee	Noland	Widmyer	Manuel	Surkamp	Morgan
Ed Kautz				✓	✓
Frank Rosario	✓	✓	✓		

Frank Rosario was appointed to the Sheriff’s Civil Service Commission for one four-year term ending October 8, 2013 by a 3-2 vote.

IN RE: CAM TABB - DISCUSS AND RECEIVE FEEDBACK FROM ALL COMMISSIONERS ON WAYS TO RESTORE RESPECT AND DIGNITY TO THE OFFICE OF THE COUNTY COMMISSION

Cam Tabb appeared before the Commission to express concerns with recent Commission decisions and requested feedback from the Commission on how to restore respect and dignity to the Office of the County Commission.

Mr. Tabb requested the Commission exercise fair and equal treatment as well as base decisions upon facts in a dignified and respectful manner.

Mr. Tabb reported on his wife and father’s previous service to the Jefferson County Commission.

Commissioner Surkamp reported on an audit report received due to the actions of a previous Commission from July 26, 2001 and expressed his concerns with dignity and respect by Commission members.

Commissioner Morgan read aloud a statement for the record with regard to criticizing agenda items and restoring respect for Jefferson County.

Commissioner Widmyer reported on her future goals and objectives to improve Jefferson County

Government.

Commissioner Noland reported on public opinion she has received with regard to Commission actions. Commissioner Noland furthermore reported on goals and objectives as a County Commissioner.

Commissioner Surkamp reported on his goals and objectives and discussed leadership strategies being implemented by the County Commission.

Commissioner Morgan requested Mr. Tabb's opinion with respect to the proposed Zoning Ordinance and upcoming Zoning Referendum.

Mr. Tabb reported on his discussions with Jennie Brockman, Planning and Zoning Director and provided his opinion on the proposed Zoning Ordinance. Mr. Tabb also reported on the recommendations and opinions of the Agricultural Task Force with regard to the proposed Zoning Ordinance.

IN RE: ALAN PERDUE & PETER VILA - PROPOSED MEMO OF UNDERSTANDING BETWEEN SHEPHERD UNIVERSITY AND JEFFERSON COUNTY COMMISSION TO CONDUCT STUDY FOR SPRING WATER QUANTITY AND QUALITY IN KARST SYSTEM FOR JEFFERSON COUNTY - DISCUSSION/ACTION

Peter Vila from Shepherd University appeared before the Commission to request approval of a Memorandum of Understanding between Shepherd University and Jefferson County Commission to conduct a study for the determination of spring water quantity and quality in the Karst System of Jefferson County. Mr. Vila reported on the objectives and strategies for the study.

Mr. Vila discussed his credentials and previous research conducted.

Stephanie Grove, Assistant Prosecuting Attorney was present and report on her review of the proposed Memorandum of Understanding and provided her recommendations.

Motion by Morgan, second by Surkamp to approve the Memorandum of Understanding between Shepherd University and Jefferson County Commission to conduct a study for the determination of spring water quantity and quality in the Karst System of Jefferson County.

Commission members expressed concerns with immediate approval with consideration to the recommendations provided by Ms. Grove.

Motion by Morgan to postpone this matter for one week in order to make necessary amendments as recommended by legal counsel.

Mr. Vila reported on the timeline requirements of the proposed agreement and reported he would implement the necessary revisions as recommended by legal counsel in a timely manner.

Commissioner Morgan withdrew her motion.

Original motion by Morgan, second by Surkamp to approve the Memorandum of Understanding between Shepherd University and Jefferson County Commission to conduct a study for the determination of spring water quantity and quality in the Karst System of Jefferson County as amended. Motion carried.

The Commission took a 10-minute break at 10:55 a.m.

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 the specifications and timeline of the November 7, 2009 Zoning Referendum.

IN RE: STEPHANIE GROVE - LEGAL UPDATE AND REPORT

□ CLASSIFICATION APPEAL REQUEST - CHANGE IN POSITION CLASSIFICATION FROM GRADE LEVEL III TO GRADE LEVEL IV

David Hammer, Esquire, appeared before the Commission to request an Executive Session to discuss personnel matters pertaining to the former County Administrator.

Motion by Morgan, second by Surkamp to enter into Executive Session with David Hammer, Esquire to discuss personnel matters pertaining to the former County Administrator. Motion carried.

Motion by Noland, second by Widmyer to return to Regular Session. Motion carried.

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

Ms. Grove requested an Executive Session to discuss personnel matters regarding the request for employee reclassification.

Motion by Morgan, second by Surkamp to enter into Executive Session with Ms. Grove and Teresa Tritelli, Legal Assistant to discuss personnel matters regarding the request for employee reclassification. Motion carried.

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

Ms. Grove provided the Commission with the weekly "to do" list and reported on Circuit Court motion's that have been filed.

With regard to proper agenda notices and procedures, Ms. Grove reported on the "Open Government Proceedings Act" and discussed the rights of the Commission to enter into Executive Session under WV State Code 6-9-A-4 (12).

IN RE: BARBARA MILLER, JEFFERSON COUNTY HOMELAND SECURITY AND EMERGENCY MANAGEMENT - REQUEST FOR AN EXECUTIVE SESSION - NATIONAL SECURITY ISSUE

Motion by Morgan, second by Noland to enter into Executive Session as governed under WV State Code 6-9-A-4(12) with Barbara Miller, Jefferson County Office of Homeland Security and Emergency Management Director; Sheriff Robert Shirley and Stephanie Grove to discuss National Security issues. Motion carried.

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

The Commission recessed for lunch at 12:40 p.m. The Commission reconvened at 1:30 p.m.

IN RE: LEGISLATIVE ISSUES

Commissioner Noland reported on the County Commission Associations funding initiatives being proposed to helping with Regional Jail fees.

Commissioner Noland reported on her attendance at the County Commission Associations Regional meeting.

Commissioner's Noland and Manuel reported on the upcoming Berkeley, Jefferson and Morgan County Commission Conference scheduled on November 3, 2009 at 10:30 a.m. at the Woods Resort.

IN RE: REPORT ON FEDERAL STIMULUS FUNDS

Sandra McDonald, Interim County Administrator reported on the Energy Grant webinar Laura Kuhn, County Commission Executive Assistant and Bill Polk, Maintenance Director are participating in today at 2:00 p.m.

IN RE: HIRE CONSULTANT FOR GRANT MANAGEMENT NOT TO EXCEED \$5,000

Commissioner Surkamp reported on the meeting he attended at the Board of Education and grant information that was obtained by Dr. Sherry Hoff.

Commissioner Widmyer reported on the quote received from Delta Development Group to provide grant management services at \$125.00 per hour.

Sandra McDonald, Interim County Administrator reported on Delta Development Group credentials.

Motion by Widmyer, second by Morgan to authorize the hire of Delta Development Group to assist with Jefferson County grant management with a work program to be coordinated by Ms. McDonald with expenses not to exceed \$5,000.00. Motion carried.

IN RE: MARK SCHIAVONE - BUDGET ISSUES

- DRAFT BUDGET POLICIES - DISCUSSION/ACTION**

- **REVENUE FORECAST FOR FY 2011 AND FY 2012**
- **BUDGET REVISION NUMBER 004 TO THE GENERAL FUND**

Mark Schiavone, Capital Planning and Management Director appeared before the Commission with a presentation of the draft budget policies. Mr. Schiavone reported on the specifications of the proposed budget policies and requested Commission approval.

The Commission agreed by consensus to schedule a workshop with Mr. Schiavone on Thursday, October 29, 2009 to discuss the proposed budget policies further prior to approval with the exception of capital assets.

Motion by Surkamp, second by Noland to adopt a policy for the County to maintain inventories of capital assets which are above the capital threshold of \$10,000.00 and inventories of consumable items in excess of \$1,000.00 for the purpose of the management of the Capital Improvement Plan. Motion carried.

Commissioner Morgan left at 1:49 p.m.

IN RE: MARK SCHIAVONE - BUDGET ISSUES – CONTINUED

Commissioner Surkamp requested that Mr. Schiavone incorporate Budget Management and Policy Writing into his Jefferson County job description.

Mr. Schiavone reported on the specifications of budget revision #004 to the General Fund and requested Commission consideration and approval.

Motion by Manuel, second by Widmyer to approve and authorize signature upon Budget Revision Number 004 to the General Fund. Motion carried.

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 8th day of October, 2009, the following Order was made and entered:

SUBJECT: The revision of the General Fund (Fund 001 Levy Estimate (Budget)) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists, as shown on budget revision number 004, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by Manuel, and duly seconded by Widmyer, the vote was as follows:

Dale Manuel	<u>Yes</u>
Patricia A. Noland	<u>Yes</u>
Lyn Widmyer	<u>Yes</u>
James T. Surkamp	<u>Yes</u>
Frances B. Morgan	<u>Absent</u>

Whereupon, Commissioner Dale Manuel declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and F. Mark Schiavone, is authorized to affix his signature to the attached “Request for Revision to Approved Budget” to be sent to the State Auditor for approval.

/s/ _____
F. Mark Schiavone, Capital Planning and Management Director

IN RE: DAY REPORT CENTER - REQUEST FOR GRANT FUNDS TO BE ALLOCATED IN ONE FULL PAYMENT

Sandra McDonald, Interim County Administrator reported on the availability of grant funding and current allocation procedures. Ms. McDonald further reported on the specifications of the request.

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

Motion by Widmyer, second by Surkamp to allocate grant funds in one full payment to the Day Report Center as requested. Motion carried.

IN RE: PROSECUTING ATTORNEY - CLASSIFICATION APPEAL REQUEST - CHANGE IN POSITION CLASSIFICATION FROM GRADE LEVEL III TO GRADE LEVEL IV

Sandra McDonald, Interim County Administrator reported that Ralph Lorenzetti, Prosecuting Attorney is unavailable to appear for this request.

The Commission agreed to table this matter for one week.

IN RE: REQUEST FOR USE OF COUNTY MEETING ROOM - MISSION RIDGE HOME OWNERS ASSOCIATION AND JEFFERSON COUNTY HISTORICAL SOCIETY

Motion by Widmyer, second by Noland to approve the meeting room request from Mission Ridge Home Owners Association and Jefferson County Historical Society subject to meeting room availability. Motion carried.

IN RE: RETENTION OF LEGAL COUNSEL FOR LAWSUIT

The Commission agreed to table this matter for one week.

IN RE: APPOINTMENT TO THE EASTERN PANHANDLE TRANSIT AUTHORITY

No action was taken on this agenda item.

IN RE: KIRK DAVIS - PROPOSED JUDICIAL BUILDING UPDATE

Kirk Davis, Capital Projects Manager appeared before the Commission with a presentation and update on the proposed Judicial Building architectural design.

The Commission requested that Mr. Davis schedule a presentation of the design for the City of Charles Town, the Historic Landmarks Commission and the Courthouse Committee for their review and recommendations.

The Commission discussed contractual legalities with consideration to maintaining historical integrity of county structures and Mr. Potts' scope of services.

The Commission agreed to authorize Mr. Davis to consult with Stephanie Grove, Assistant Prosecuting Attorney to discuss contractual legalities.

Commissioner Noland requested an explanation of Capital Improvement Project expenses and the process of approval and payment.

Mark Schiavone, Capital Planning and Management Director reported on the approval and payment process for Capital Improvement Plan project expenditures.

The Commission requested a monthly accounting of all Capital Improvement Plan project expenses.

Commissioner Morgan returned at 2:25 p.m.

IN RE: DEPARTMENT HEAD EVALUATION

Roger Goodwin, Director of Engineering appeared before the Commission for his Department Head evaluation. Mr. Goodwin requested his evaluation be conducted in Executive Session.

Motion by Morgan, second by Noland to enter into Executive Session with Roger Goodwin in order to conduct his Department Head evaluation. Motion carried.

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

No action was taken during Executive Session.

IN RE: COUNTY COMMISSION GOVERNMENT MANAGEMENT TOPICS

- COMPENSATION FOR ACTING COUNTY ADMINISTRATOR - DISCUSSION/ACTION**
- REQUEST TO HIRE TEMPORARY ADMINISTRATIVE ASSISTANT AND TO ADVERTISE FOR ADMINISTRATIVE ASSISTANT - COUNTY COMMISSION OFFICE**
- APPROVAL TO ADVERTISE COUNTY ADMINISTRATOR POSITION AT GRADE VIII AND ALLOCATE UP TO \$500 FOR ADS IN LOCAL PAPERS, WASHINGTON POST ON- LINE AND TRADE PUBLICATIONS**
- TRANSITION: SECURITY OF COUNTY DATA AND PROPERTY, RE-ORGANIZATIONAL MATTERS**
- KEEPING DAILY OPERATIONS GOING FORWARD**
- REDEFINING COUNTY ADMINISTRATOR POSITION TO NOT INCLUDE TOO MUCH**
- SECURING COUNTY INFORMATION AND PROPERTY**
- REORGANIZING COUNTY GOVERNMENT**
- INTERIM COUNTY ADMINISTRATOR**

Commissioner Surkamp withdrew the following items: “Transition: Security of County Data and Property, Re-organizational Matters; Keeping Daily Operations Going Forward; Redefining County Administrator Position to Not Include Too Much and Reorganizing County Government”.

Commissioner Widmyer requested reconsideration of Sandra McDonald’s classification from Grade III to a Grade V as previously proposed at a salary of \$50,000.00 yearly.

Motion by Widmyer, second by Morgan to reclassify Ms. McDonald to Grade V with an increase in salary to \$50,000.00 with an additional \$5,000.00 allotment while acting as Interim County Administrator. Motion carried.

Sandra McDonald, Interim County Administrator reported on staff deficiencies within the County Commission Administrative Office and requested approval of a temporary Administrative Assistant.

Motion by Noland, second by Morgan to authorize the immediate hire of a temporary Administrative Assistant in the County Commission Administrative Office at a salary of \$30,000.00 yearly. Motion carried.

Commissioner Widmyer reported on research she conducted and discussions with the County Administrator in Berkeley County and provided the Commission with a proposed recruitment announcement and proposed advertisement for the County Administrator vacancy.

Motion by Widmyer, second by Manuel authorize the approval to advertise the County Administrator position at Grade VIII and allocate up to \$500.00 for classified advertisements in local papers, online and trade publications. Motion carried.

IN RE: ORGANIZATIONAL PLANNING

This matter was discussed under agenda item: “County Commission Government Management Topics”.

IN RE: COUNTY ADMINISTRATOR REPORTS

Sandra McDonald, Interim County Administrator presented the Commission with the newly adopted “Agenda Request Form”.

Ms. McDonald provided the Commission with a reminder of their GIS Workshop with Todd Fagan, GIS Director on October 22, 2009.

Ms. McDonald provided the Commission with a reminder of the Day Reporting Center Opening House on October 13, 2009.

Ms. McDonald reported on the availability of the NACo Prescription discount cards in the County Commission’s administrative offices.

IN RE: PROCEDURAL MATTER – MEETING CHANGE

The Commission agreed by consensus to conduct next week’s meeting from 10:00 a.m.-12:30 p.m. due to community engagements.

IN RE: COUNTY COMMISSION REPORTS

No County Commission reports were provided.

IN RE: COUNTY COMMISSION GOVERNMENT MANAGEMENT TOPICS – CONTINUED

☐ SECURING COUNTY INFORMATION AND PROPERTY

Commissioner Surkamp requested an Executive Session be coordinated with Commission members; Charlotte Hernandez-Velez, IT Support Specialist; Mark Schiavone, Capital Planning and Management Director; Stephanie Grove, Assistant Prosecuting Attorney and Sandra McDonald, Interim County Administrator to discuss IT operations and security.

The Commission took a 5-minute break at 3:30 p.m.

Stephanie Grove, Assistant Prosecuting Attorney appeared before the Commission to report on the legalities and the Commission’s right and responsibilities to enter into Executive Session to discuss IT matters.

Mark Schiavone, Capital Planning and Management Director was present and reported on the contractual specifications due to expire on Monday, October 12, 2009 with the Software Systems, Incorporated.

Motion by Surkamp, second by Manuel to temporarily extend the contract with Software Systems, Incorporated for 90 days. Motion carried.

Motion by Surkamp, second by Noland to enter into Executive Session with Charlotte Hernandez-Velez, IT Support Specialist; Mark Schiavone, Capital Planning and Management Director; Stephanie Grove, Assistant Prosecuting Attorney and Sandra McDonald, Interim County Administrator to discuss IT operations and security. Motion carried.

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

Motion by Widmyer, second by Noland to authorize the immediate payment of the Software Systems, Incorporated invoice in the amount of \$2,167.98. Motion carried.

Motion by Noland, second by Surkamp to task Mark Schiavone, Capital Planning and Management Director with being the key contact between county government and SSI in conjunction with Ms. Grove's assistance to determine whether SSI can broker a 90 day agreement for maintenance of AS400 hardware and software. Motion carried.

Motion by Morgan, second by Surkamp to allow IT staff access to some systems that will be physical access to the server room and logical access to the mail server, web server, virus server, and to the switches and routers excluding the elected officials servers, the AS400, and temporary exclusion to the RAID server for the purpose of doing analysis and security and coming back to the Commission with recommendations as to how to improve the county network. Motion carried.

The Commission received the following information:

Reminder of Zoning Referendum on November 7, 2009.

Appointments to the Jefferson County Emergency Services Agency - November 5, 2009

Impact Fee Status Report received for September 2009.

Correspondence received from Guy Chicchirichi concerning Leslie Smith.

Information received concerning the DMAPS Northeastern Regional Homeland Security Summit on October 28-29, 2009

Memorandum received from the Department of Capital Planning and Management concerning

funds transfers.

Assessor's certificate of compliance received.

Newsletter received from the Potomac Valley Audubon Society.

Correspondence received from Insurance Services Office concerning Bakerton and Middleway fire district.

Correspondence received from FEMA concerning flood plain management.

Information received from the County Commissioners' Association concerning video lottery.

Correspondence received from the United States Department of Commerce concerning the Broadband Technology Opportunities Program.

West Virginia Ethics Reporter received.

Board of Health meeting agenda received.

Jefferson County Public Service District meeting agenda received.

E-911 fees received.

Harpers Ferry National Historical Park community bulletin received.

The Commission received the following correspondence:

Correspondence received from Shirley Watkins concerning meeting minutes.

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

DALE MANUEL, COMMISSION PRESIDENT