

**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, October 22, 2009, beginning at 9:30 o'clock a.m.

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

**In re: PLEDGE OF ALLEGIANCE**

Commissioner Widmyer conducted the Pledge of Allegiance.

**In re: MOMENT OF SILENCE**

The Commission held a moment of silence in memory of County Surveyor John Kusner.

**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, October 15, 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 22, 2009, totaling \$21,689.34: 47327, 47328, 47470, 47673, 47806, 47807, 46625, 46626, 47133, 47151, 47152, 47812, 47420, 47421, 47423, 47424, 47425, 47811, and 47809. Motion carried.

**In re: APPROVAL OF ACCOUNTS PAYABLE**

Motion by Noland, second by Widmyer to approve the list of the Accounts Payable dated October 22, 2009, as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CK Amount
059949	700	ALGERS AUTO RECYCLING	47803	\$80.00	\$0.00	\$80.00
059950	424	ALLEGHENY POWER		\$0.00	\$1,016.63	\$1,016.63
059950	425	ALLEGHENY POWER		\$0.00	\$8,853.74	\$8,853.74
059951	425	COMCAST		\$0.00	\$147.89	\$147.89
059952	424	AUTOZONE		\$0.00	\$55.99	\$55.99
059952	700	AUTOZONE		\$0.00	\$67.99	\$67.99

059953	ALLOC	AHA/ART&HUMANITIES ALLNC		\$0.00	\$3,871.68	\$3,871.68
059954	716	ANIMAL CARE EQUIP&SERVIC	47325	\$167.88	\$0.00	\$167.88
059955	424	ALLIANCE ELECTRIC LLC	47596	\$1,005.00	\$0.00	\$1,005.00
059955	425	ALLIANCE ELECTRIC LLC	47596	\$55.00	\$0.00	\$55.00
059956	424	B-K OFFICE SUPPLY INC	47599	\$904.00	\$0.00	\$904.00
059957	424	LAIRD BUSH SPECIALTY ADV	47600	\$894.75	\$0.00	\$894.75
059958	ALLOC	BERKELEY CO COMMISSION		\$0.00	\$22,677.00	\$22,677.00
059959	401	THE BLACK DOG COFFEE CO		\$0.00	\$200.00	\$200.00
059960	425	CHARLES TOWN WALLS/FLOOR	47598	\$5,308.54	\$0.00	\$5,308.54
059961	413	CHARLES TOWN COPYING SRV	47446	\$252.00	\$0.00	\$252.00
059962	405	KONICA MINOLTA	47422	\$42.84	\$0.00	\$42.84
059963	413	DAYTON LEGAL BLANK	47674	\$426.72	\$0.00	\$426.72
059964	ALLOC	EASTERN PANHANDLE TRANSI		\$0.00	\$7,275.00	\$7,275.00
059965	425	J.C.EHRLICH		\$0.00	\$125.00	\$125.00
059966	401	FEDEX		\$0.00	\$69.22	\$69.22
059966	700	FEDEX		\$0.00	\$20.15	\$20.15
059967	415	GENERAL COUNTY FUND-J FE		\$0.00	\$31,791.21	\$31,791.21
059968	412	JEREMY HORVAT		\$0.00	\$116.05	\$116.05
059969	440	HALF MOON LLC	47099	\$259.00	\$0.00	\$259.00
059970	439	KON OFFICE SOLUTIONS	47356	\$271.77	\$0.00	\$271.77
059971	428	IBM CORPORATION		\$0.00	\$1,338.00	\$1,338.00
059972	413	JEFF CO PUBLIC SER DEPT		\$0.00	\$27.30	\$27.30
059972	425	JEFF CO PUBLIC SER DEPT		\$0.00	\$55.13	\$55.13
059973	425	JEFFERSON CO HEALTH DEPT	47802	\$90.00	\$0.00	\$90.00
059974	402	JEFFERSON PUBLISH CO INC	47469	\$426.40	\$0.00	\$426.40
059974	401	JEFFERSON PUBLISH CO INC		\$0.00	\$1,184.96	\$1,184.96
059975	425	JEFFERSON COUNTY SOLID	47801	\$83.06	\$0.00	\$83.06
059976	712	LANGUAGE LINE SERVICES		\$0.00	\$101.46	\$101.46
059977	424	HOME DEPOT CREDIT SERVIC		\$0.00	\$11.02	\$11.02
059977	424	HOME DEPOT CREDIT SERVIC		\$0.00	\$841.73	\$841.73
059977	424	HOME DEPOT CREDIT SERVIC		\$0.00	\$40.56	\$40.56
059977	425	HOME DEPOT CREDIT SERVIC		\$0.00	\$128.19	\$128.19
059978	700	MCKINNEY'S AUTO REPAIR	47804	\$52.09	\$0.00	\$52.09
059979	402	OFFICE SERVICES		\$0.00	\$475.00	\$475.00

059979	403	OFFICE SERVICES		\$0.00	\$190.00	\$190.00
059979	404	OFFICE SERVICES		\$0.00	\$95.00	\$95.00
059979	406	OFFICE SERVICES		\$0.00	\$285.00	\$285.00
059979	439	OFFICE SERVICES		\$0.00	\$95.00	\$95.00
059979	451	OFFICE SERVICES		\$0.00	\$95.00	\$95.00
059979	700	OFFICE SERVICES		\$0.00	\$190.00	\$190.00
059979	711	OFFICE SERVICES		\$0.00	\$95.00	\$95.00
						\$21,133.93
059980	ALLOC	JEFF CO PARKS &		\$0.00	\$21,133.93	93
059981	402	PIFER OFFICE SUPPLY, INC	47463	\$20.46	\$0.00	\$20.46
059981	404	PIFER OFFICE SUPPLY, INC	47637	\$71.13	\$0.00	\$71.13
						\$5,200.00
059982	425	RCS SECURITY	47805	\$5,200.00	\$0.00	0
059983	712	SPECIALTY BUS SUPPLIES	47148	\$990.00	\$0.00	\$990.00
				\$83,790.00		\$83,790.00
059984	704	ST/WV REGIONAL JAIL &	47677	0	\$0.00	00
059985	401	JOHN STEVENS		\$0.00	\$249.62	\$249.62
059986	712	SEN COMMUNICATIONS		\$0.00	\$13.67	\$13.67
059987	424	SPRINT		\$0.00	\$91.39	\$91.39
						\$1,402.23
059987	712	SPRINT		\$0.00	\$1,402.23	3
059988	425	SERVISOFT OF WINCHESTER	47597	\$639.79	\$0.00	\$639.79
059989	401	TOWN & COUNTRY NURSERY		\$0.00	\$125.00	\$125.00
059990	425	VALLEY HARDWARE COMPANY	47545	\$24.01	\$0.00	\$24.01
						\$25,370.84
059991	ALLOC	JEFFERSON CO CONVENTION		\$0.00	\$25,370.84	84
059992	712	WV ENHANCED 911 COUNCIL	47165	\$310.14	\$0.00	\$310.14
059993	424	WALMART BUSINESS		\$0.00	\$122.72	\$122.72
						\$6,250.00
059994	GRANT	PAMELA HOLSTEIN-WALLACE		\$0.00	\$6,250.00	0
				\$101,364.58	\$136,295.30	\$237,659.88
TOTALS						

**In re: PUBLIC COMMENT**

Laura Rattenni, Circuit Clerk, commented on access to the AS/400. The Commission agreed to change Ms. Rattenni's comments to an agenda appointment in order to discuss the matter. The Commission agreed to discuss the matter further during the IT discussion that was already on the agenda.

**In re: BONDING AND ACTIVITY REPORT**

There was no bonding presented.

Jennifer Brockman, Director of Planning and Zoning, appeared before the Commission for the Planning and Zoning Activity Report. Ms. Brockman presented an updated copy of the summary and FAQ's for the zoning referendum. Ms. Brockman updated the Commission on various zoning forums. After discussion, motion by Surkamp, second by Morgan to include the

summary and FAQ's as an insert in the Spirit of Jefferson and Shepherdstown Chronicle newspapers. The Commission unanimously agreed to table the motion in order to review the matter with legal counsel.

**In re: JAMES B. CRAWFORD, III - CITY OF CHARLES TOWN - APPROVAL OF ORDER FOR ANNEXATION**

James B. Crawford, III, legal counsel for the City of Charles Town, appeared before the Commission to request approval of an order for annexation for the City of Charles Town. After discussion, motion by Morgan, second by Surkamp to approve the order of annexation for the City of Charles Town pending legal review. Motion carried.

**In re: LEGISLATIVE ISSUES**

Commissioner Surkamp commented on feral cat legislation.

Commissioner Widmyer discussed a proposed house bill for English as a Second Language groups that would show West Virginia making a commitment to English as a Second Language in order to qualify for federal funding.

The Commission discussed the regional jail per diem fee.

**In re: REPORT ON FEDERAL STIMULUS FUNDS - DISCUSSION**

Sandy McDonald, Acting County Administrator, updated the Commission on the energy grant.

**In re: APPOINTMENT TO EASTERN PANHANDLE TRANSIT AUTHORITY**

Motion by Morgan, second by Surkamp to appoint Shawna Molina to the Eastern Panhandle Transit Authority. Motion carried.

**In re: DECISION E911 WIRELINE FEE INCREASE - DISCUSSION/ACTION**

The Commission discussed making a decision on increasing the E911 wireline fee. Motion by Surkamp, second by Widmyer to not approve an increase of the E911 wireline fee. Motion by Noland, second by Manuel to postpone action on this matter until the end of the year. After further discussion, the Commission unanimously agreed to withdraw both motions and to set up a work session with Jeffrey Polczynski.

**In re: KIRK DAVIS & SILLING ASSOCIATES - PROPOSED JUDICIAL CENTER UPDATE**

Kirk Davis appeared before the Commission with Tom Potts, from Silling Associates, to discuss the proposed judicial center. After discussion with Assistant Prosecuting Attorney Stephanie Grove, motion by Morgan, second by Surkamp to enter into executive session to discuss pending contract negotiations. Motion carried. Motion by Surkamp, second by Manuel to return to regular session. Motion carried. Motion by Noland, second by Surkamp to continue the current contract with Silling and Associates with the condition that an additional RFP be presented for an historic architect to be hired as a sub-consultant for purposes of renovating the first floor of the current historic courthouse. Motion carried. Mr. Potts continued with his update on the proposed judicial center. Mr. Potts informed the Commission that Silling and Associates should be able to come back around December 10<sup>th</sup> to present several design plans. After discussion, motion by Morgan, second by Manuel to appoint Commissioners Widmyer and

Manuel to the subcommittee for the proposed judicial center. Motion carried. Judge Sanders was present and commented on the matter. Mr. Potts also introduced Walter Schamu, from S&G Architects. Mr. Schamu discussed historic architecture.

The Commission took a 5 minute break at 11:12 a.m.

**In re: AL COBB - DISCUSSION ON AN INCENTIVE PLAN FOR BUILDING QUALITY ENERGY EFFICIENT HOMES IN JEFFERSON COUNTY**

Al Cobb appeared before the Commission and provided the Commission with a Powerpoint presentation on an incentive plan for building energy efficient homes in Jefferson County. No action was taken on this matter.

**In re: DAVID HAMMER - LEGAL UPDATE**

David Hammer, Attorney for the Commission, appeared before the Commission to discuss personnel matters. Motion by Morgan, second by Manuel to enter into executive session to discuss personnel matters. Motion carried. Motion by Surkamp, second by Manuel to return to regular session. Motion carried. Motion by Morgan, second by Widmyer that a calculation for final pay be made payable to Leslie Smith in accord with county policy and consistent with the document submitted by David Hammer as prepared in cooperation with Sally Gran. Motion passed by a 3-2 vote. Commissioners Manuel and Noland voted no. Motion by Widmyer, second by Morgan to authorize Mr. Hammer to conduct negotiations on the severance package with Ms. Smith and to make the offer valid for 21 days after which the offer will be rescinded. Motion passed by a 4-1 vote. Commissioner Manuel voted no.

**In re: STEPHANIE GROVE - LEGAL UPDATE AND REPORT**

Stephanie Grove, Assistant Prosecuting Attorney, appeared before the Commission for the legal update and report. Ms. Grove commented on placing an insert of the FAQ's and summary of the zoning ordinances comparison in the newspaper. After discussion, motion by Surkamp to place the insert in the Spirit of Jefferson and the Shepherdstown Chronicle. Motion failed due to a lack of a second.

Ms. Grove updated the Commission on the Board of Review and Equalization Conant appeal case.

Ms. Grove update the Commission on the employee handbook.

**In re: LEGAL REPRESENTATION AGREEMENT**

Stephanie Grove informed the Commission that she had reviewed the legal agreement from Arnold, Cesare and Bailey. After discussion, motion by Surkamp, second by Morgan to hire Arnold, Cesare and Bailey as legal counsel for the lawsuit from the County Clerk. Motion carried.

**In re: KIRK DAVIS - APPROVAL OF CHANGE ORDER FOR COURTROOM**

Motion by Morgan, second by Surkamp to approve the change orders for the courtroom as presented by Kirk Davis. Motion carried.

The Commission recessed for lunch at 12:52 p.m. The Commission resumed at 2:00 p.m.

**In re: APPOINTMENT TO THE POTOMAC HEADWATERS RC&D**  
Motion by Widmyer, second by Surkamp to appoint Diana Walch to the Potomac Headwaters RC&D. Motion carried.

**In re: LEGAL LETTER TO SSI CONFIRMING COMMISSION VOTE OF OCTOBER 8<sup>TH</sup> AND LEGAL NATURE OF STEPTOE PROCEEDING**  
**MARK SCHIAVONE, DIRECTOR OF CAPITAL PLANNING AND MANAGEMENT - IT ISSUES**  
The Commission discussed IT issues and providing password access to the County servers to the IT Support Specialist. Mark Schiavone, Stephanie Grove and Charlotte Hernandez-Velez were present for the discussion. Stephanie Grove informed the Commission that the Rule to Show issued by Judge Steptoe concerning password access to the AS/400 was still in effect. After discussion, motion by Surkamp, second by Morgan to have the IT Support Specialist provide the Commission with written network security policies. The Commission withdrew the motion and agreed to place the matter on next week's agenda. Motion by Noland, second by Surkamp to direct staff to research and recommend a solution for placing the County Commission Department and Elected Officials on a separate server. Motion carried.

**In re: RCS SECURITY - KIRK DAVIS AND BILL POLK - CLARIFY SERVICES, COST AND OVERSIGHT POLICY**  
Motion by Surkamp, second by Morgan that all keys and access cards to county buildings and property be in the sole control of the County Sheriff and that all monitoring equipment within county buildings also be under the sole control of the County Sheriff and that only persons under his employ shall monitor these systems. After further discussion and comments from Kirk Davis, Sheriff Shirley and Jeffrey Polczynski, motion by Morgan, second by Manuel to table the motion and refer the matter to the Safety and Security Committee for a report. Motion carried.

**In re: COUNTY ADMINISTRATOR JOB DESCRIPTION AND JOB ADVERTISEMENT - DISCUSSION/ACTION**  
After discussion, motion by Noland, second by Morgan to approve the job description and job advertisement for the County Administrator position at a beginning salary of \$90,000, with the possibility of increasing the salary up to \$95,000 at the end of the probationary period. Motion passed by a 4-1 vote. Commissioner Surkamp voted no.

**In re: COUNTY COMMISSION WORKSHOP - TODD FAGAN - ADDRESSING ORDINANCE**  
Todd Fagan and Jeffrey Polczynski appeared before the Commission for a workshop on proposed changes to the addressing ordinance. A PowerPoint presentation was provided on the changes. Due to time constraints, the Commission agreed to reschedule a second workshop and to discuss compliance issues for the second half of the workshop. No action was taken.

The Commission received the following information:

Reminder of Zoning Referendum on November 7, 2009.

Animal Control report received for September 2009.

Invitation received from Leadership Jefferson to attend a lunchtime talk featuring Russ Sobel, economics professor at WVU on November 11, 2009.

Correspondence received from Barbara J. Miller concerning the Community Rating System of the National Flood Insurance Program.

Notice received of International Swine Flu Conference on November 23-24, 2009.

Notice received from Loudoun County of a public hearing on the Countywide Transportation Plan Update on October 29, 2009, at 6:00 p.m.

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

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

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PRESIDENT