

[HTTP://WWW.JEFFERSONCOUNTYWV.ORG/2010%20AGENDA%20PACKETS/2010-03-04.PDF](http://www.jeffersoncountywv.org/2010%20AGENDA%20PACKETS/2010-03-04.pdf)

[HTTP://MEDIA.JEFFERSONCOUNTYWV.ORG/CAMERA/ARCHIVED_MEETING.PHP](http://media.jeffersoncountywv.org/camera/archived_meeting.php)

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, March 4, 2010 beginning at 9:30 o'clock a.m.

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

In re: PLEDGE OF ALLEGIANCE

Commissioner Manuel conducted the Pledge of Allegiance.

In re: APPROVAL OF MINUTES

Motion by Manuel, second by Noland to dispense with the reading of the Minutes for the meeting held on Thursday, February 25, 2010 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 March 4, 2010 totaling \$19,135.61: 47619, 48120, 47683, 48027, 48069, 48070, 48072, 47142, 47143, 47104, 47105, 47106, 47107, 48018, 48020, 48022, 48023, 48024, 48071, 48073, 48074, 48068, 48075, 48076. Motion carried.

In re: APPROVAL OF ACCOUNTS PAYABLE

Motion by Morgan, second by Noland to approve the list of accounts payable for March 4, 2010. Motion carried.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	CK Amount
060895	439	AMERICAN PLANNING ASSOC	47369	460.00	0.00	460.00
060896	425	COMCAST		0.00	146.35	146.35
060897	716	AMERICAN INTERNATIONAL		0.00	76.88	76.88
060898	716	ALPHA TECH PET	48035	253.44	0.00	253.44
060899	716	ADVANCED WEAPONS TECH	47340	1,571.00	0.00	1,571.00
060900	424	BRIGGS WELD & RAD REPAIR	48044	300.00	0.00	300.00
060901	401	CO COMMISSIONERS ASSOC		0.00	195.00	195.00
060902	700	COUNTRY ROADS TIRE & AUT	48038	437.36	0.00	437.36
060903	405	CIVIC RESEARCH INSTITUTE	47946	179.95	0.00	179.95
060904	425	CT CARPET 1 FLOOR/HOME	47999	5,368.90	0.00	5,368.90
060905	700	CDW-GOVERNMENT INC	47715	1,250.00	0.00	1,250.00
060906	425	CRAIGO 1ST CHOICE HEATIN	48042	289.25	0.00	289.25
060907	424	APPLE VALLEY TIRE	48039	245.00	0.00	245.00
060908	700	DODSON'S SEPTIC	48041	250.00	0.00	250.00
060908	716	DODSON'S SEPTIC	48041	250.00	0.00	250.00
060909	425	DAYCON	48036	451.92	0.00	451.92
060910	424	FARM PLAN/SOUTH STATE		0.00	381.43	381.43
060910	425	FARM PLAN/SOUTH STATE		0.00	244.51	244.51
060910	716	FARM PLAN/SOUTH STATE		0.00	35.96	35.96
060911	701	GALLS,AN ARAMARK CO	47710	155.94	0.00	155.94
060912	415	GENERAL COUNTY FUND-J FE		0.00	27,567.71	27,567.71
060913	424	GRAINGER, INC	48037	199.45	0.00	199.45
060913	425	GRAINGER, INC	48043	81.48	0.00	81.48
060914	711	GLOBALSTAR USA	48011	1,641.63	0.00	1,641.63
060915	712	DR ROBERT JONES		0.00	1,000.00	1,000.00
060916	402	JENNIFER S. MAGHAN		0.00	315.00	315.00
060917	PAYROLL	MSBCBS		0.00	132,831.78	132,831.78
060918	401	PATRICIA A NOLAND		0.00	620.51	620.51
060919	712	NORFOLK SOUTHERN CORP		0.00	12.00	12.00
060920	403	PIFER OFFICE SUPPLY, INC	47923	98.15	0.00	98.15
060920	404	PIFER OFFICE SUPPLY, INC	47789	449.01	0.00	449.01

060921	425	PRO-TECH ELECTRONICS CO.	48040	100.20	0.00	100.20
060922	700	QUARTER MASTER	47716	93.93	0.00	93.93
060922	701	QUARTER MASTER	47716	138.46	0.00	138.46
060922	701	QUARTER MASTER	47717	427.02	0.00	427.02
060923	425	RCS SECURITY	48045	5,630.00	0.00	5,630.00
060924	986	SOFTWARE SYSTEMS, INC		0.00	9,788.06	9,788.06
060925	404	SPECIALTY BUS SUPPLIES	47711	102.50	0.00	102.50
060925	405	SPECIALTY BUS SUPPLIES	47947	2,315.28	0.00	2,315.28
060925	700	SPECIALTY BUS SUPPLIES	47711	102.50	0.00	102.50
060925	716	SPECIALTY BUS SUPPLIES	47338	79.00	0.00	79.00
060926	700	WALTER F STEPHENS, JR IN	47713	148.35	0.00	148.35
060927	PAYROLL	WV DEPUTY SHRF RETIRE		0.00	7,985.30	7,985.30
060928	PAYROLL	WV DEPUTY SHRF RETIRE		0.00	9,864.12	9,864.12
060929	424	SPRINT		0.00	94.71	94.71
060929	712	SPRINT		0.00	1,542.75	1,542.75
060930	425	THYSSEN KRUPP ELEVATOR	47299	395.85	0.00	395.85
060931	424	US POST MASTER		0.00	3,475.00	3,475.00
060932	425	VALLEY HARDWARE CO	47892	14.62	0.00	14.62
060933	PAYROLL	WV BD O/RISK-INS MGT		0.00	89,547.00	89,547.00
060934	712	WV ENHANCED 911 COUNCIL	47777	95.00	0.00	95.00
060935	PAYROLL	WV PUB EMP RETIRE SYS		0.00	1.28	1.28
060935	PAYROLL	WV PUB EMP RETIRE SYS		0.00	23,047.55	23,047.55
060936	PAYROLL	WV PUB EMP RETIRE SYS		0.00	3.14	3.14
060936	PAYROLL	WV PUB EMP RETIRE SYS		0.00	56,338.49	56,338.49
060937	424	WALMART BUSINESS		0.00	169.41	169.41
060937	716	WALMART BUSINESS		0.00	13.68	13.68
TOTAL				\$23,575.19	\$365,297.62	\$388,872.81

In re: PUBLIC COMMENT

Bill Coen reported on his reasons not to proceed with the New Judicial Center Courthouse Annex. Jay Hurley, Hurley's General Store in Shepherdstown reported on reasons not to raise the Levy Tax Rate.

Motion by Manuel, second by Noland to approve and authorize Sandy Slusher McDonald to set dates for a day and a night meeting for the Small Cities Block Grant Program. Motion carried.

Motion by Manuel, second Noland to keep the interviews for items number nineteen , twenty and twenty-two and hold appointments over until next week when all Commissioners would be present. Motion carried.

In re: HISTORIC LANDMARKS COMMISSION INTERVIEWS AND APPOINTMENTS

By unanimous consent, the County Commission reappointed John Allen and Carmen Weber Creamer to the Historic Landmarks Commission.

In re: COUNTY ADMINISTRATOR REPORTS

Sandy Slusher McDonald, Acting County Administrator reported that the move has been completed and staff is getting settled in.

Ms. McDonald reminded the Commission that there is a Public meeting on March 3, 2010 at 7:00 p. m. for the Judicial Center/Courthouse Annex.

Ms. McDonald reported that she would be emailing the weekly schedule.

In re: COUNTY COMMISSION REPORTS

Commissioner Surkamp reported that the 2010 Census postcards have been mailed.

Commissioner Manuel reported that Jefferson County Council on Aging will be opening the Jefferson Center Shelter Workshop in April 2010.

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

Commissioner Noland reported on the 4H meeting she attended.

Commissioner Noland reported on the meeting with the Judicial Center/Courthouse Annex Architect she attended.

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

In re: KIT MCGINNIS – CLAYMONT COURT SAVE AMERICA'S TREASURES GRANT

Kit McGinnis, National Park Trust member reported on the letter that was written by Shelly Moore Capito in regards to saving the Claymont Court Mansion.

Ms. McGinnis requested \$30,000 from the County Commission as a match for the Save America's Treasure Grant.

Ms. McGinnis reported that the funds could be spaced out over a three year period if necessary.
Motion by Manuel, second by Noland to delay action on the allocation of \$30,000 as a cash match until mid July. Motion carried.

In re: GREGORY BAILEY, ESQUIRE - EXECUTIVE SESSION - COUNTY CLERK LAWSUIT

Motion by Noland, second by Manuel to enter into Executive Session regarding pending litigation. Motion carried.

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

The Commission took a 5 minute break at 10:30 a. m.

In re: DISCUSSION/ACTION RELATING TO THE FAIR HOUSING RESOLUTIONS NEEDED FOR SMALL CITIES BLOCK GRANT

Commissioner Widmyer reported on the Small Cities Block Grant.

Motion by Manuel, second by Morgan to adopt the resolution formalizing a Fair Housing program for Jefferson County Commission. Motion carried.

**A RESOLUTION FORMALIZING A FAIR HOUSING PROGRAM
FOR JEFFERSON COUNTY COMMISSION**

By participating in the Federal Community Development Program, Jefferson County Commission has pledged to insure and support fair housing practices accordingly.

It is hereby resolved that Jefferson County Commission is taking formal action to prevent discrimination in the sale, rental and financing of housing.

1. The County Commission of Jefferson County shall provide all appropriate advice and counsel on home loan financing to minorities and lower income families and individuals.
2. Said County Commission will provide further advice to lower-income and minority families and individuals with regard to federal programs that may be available for the rental or financing of housing. The County Commission or designated staff shall be available for such counseling by appointment.
3. The County Commission shall advise the public that any complaints of discrimination in the sale, rental or financing of housing should be reported directly to them and they will forward this information to the proper local, state and federal authorities. Furthermore, they shall notify the local realtors that they have been given this responsibility.

ON MOTION DULY MADE by Manuel, seconded by Morgan that the County Commission of Jefferson County, West Virginia do hereby approve and authorize the adoption of said Resolution on the 4th day of March 2010.

/s/ _____
Lyn Widmyer, Commission President

Motion by Manuel, second by Noland to approve the conditions of the Resolution and to accept the conditions of the Citizens Participation Plan. Motion carried.

RESOLUTION

WHEREAS the County Commission of Jefferson County, West Virginia hereby accepts the conditions of the Citizens Participation Plan.

WHEREAS the County Commission of Jefferson County, West Virginia agrees to uphold and adhere to said Plan.

BE IT RESOLVED that the County Commission of Jefferson County, West Virginia is designated as the Chief Executive Officer authorized to sign contracts and any and all documents related thereto and hereby formally adopts the Citizens Participation Plan.

Approved and adopted on the 4th day of March 2010.

/s/ _____
Lyn Widmyer, Commission President

Motion by Manuel, second by Morgan to approve and authorize the President's signature on the Resolution. Motion carried.

In re: MARK SCHIAVONE, DIRECTOR OF CAPITAL PLANNING AND MANAGEMENT- BUDGET WORK SESSION #3 – LEVY CALCULATIONS

Commissioner Surkamp spoke in an unofficial capacity to the Commission requesting that the Commission not raise the levy tax rate.

Mark Schiavone, Director of Capital Planning and Management reported on several scenarios of the Levy tax rate.

In re: MARK SCHIAVONE, DIRECTOR OF CAPITAL PLANNING AND MANAGEMENT- BUDGET WORK SESSION #3 – PRESENTATION OF THE OVERVIEW OF THE INITIAL DRAFT BUDGET FOR FY11

Mark Schiavone, Director of Capital Planning and Management presented a PowerPoint presentation on the initial draft budget for FY11.

In re: MARK SCHIAVONE, DIRECTOR OF CAPITAL PLANNING AND MANAGEMENT- BUDGET WORK SESSION #3 – DECISION ON HOLDING A PUBLIC HEARING TO RAISE THE LEVY RATE

Mark Schiavone, Director of Capital Planning and Management reported that a decision needed to be made today in order to meet the required notification period for a public meeting on increasing the levy tax rate.

Motion by Manuel, second by Surkamp to not hold a public hearing to raise the Levy tax rate by 10%. Motion carried.

Motion by Surkamp, second by Manuel to maintain the current levy tax rate for FY11. Motion failed.

Subsidiary motion by Manuel, second by Noland to postpone action on the motion that is before the Commission until more information is provided and the Commission has more time to look over this information to see what kind of things would have to be sacrificed and that submissions of all budgets by department heads and Elected Officials are received. Motion carried 3-2. Commissioners Surkamp and Morgan voted no.

Mr. Schiavone reported that most of the department heads have cut their budgets by the 5% requested by the Commission.

In re: LEGAL UPDATE AND REPORT – (STEPHANIE GROVE)

No new information given.

In re: JENNIFER S. MAGHAN – COUNTY CLERK’S REPORT

Jennifer S. Maghan reported on the breakdown of the Election’s budget.

Ms. Maghan reported that election financial reports are due by March 27th, 2010.

Ms. Maghan reported that the elections will be webcast and asked if staff could assist with assuring that this is done and that the bandwidth be increased.

By unanimous consent, the Commission directed staff to work together to ensure the elections are Webcast and that the bandwidth be increased.

In re: LEGISLATIVE ISSUES

Commissioner Noland provided a status of the following Legislative Bills: Senate Bill 401, 337 614, 237 and 641; and House Bill 4211.

In re: HISTORIC LANDMARKS COMMISSION INTERVIEWS AND APPOINTMENTS

Motion by Surkamp, second by Manuel to reaffirm the appointments of John Allen and Carmen Weber Creamer to the Historic Landmarks Commission. Motion carried.

The Commission recessed for lunch at 12:09 p. m.

The Commission reconvened at 1:30 p.m.

Commissioner Widmyer was not present. Commissioner Noland presided over the meeting.

In re: PROPOSED JUDICIAL BUILDING – MOTION TO COMPLETE THE ARCHITECTURAL DRAWINGS USING PREVIOUSLY BUDGETED FUND BUT NOT TO PROCEED ANY FURTHER WITH THE PLANNING OR CONSTRUCTION OF THE 30,000SQ. FOOT \$10 MILLION JUDICIAL CENTER FOR FY2011

Motion by Manuel, second by Noland to put on hold the completion of architectural drawings for one year.

Previous motion was removed from the table and will be discussed at a later date during the budget deliberations.

In re: PROPOSED JUDICIAL BUILDING – CONSIDERATION OF A MOTION TO POSTPONE ALLOCATING MONEY FROM THE UPCOMING BUDGET FOR THE PROPOSED JUDICIAL BUILDING.

Motion by Manuel, second by Noland to postpone allocating money from the upcoming budget for the proposed Judicial Building. Motion carried 3-1. Commissioner Morgan voted no.

In re: APPROVAL TO REDUCE THE MEMBERSHIP OF THE JEFFERSON COUNTY DEVELOPMENT AUTHORITY

Commissioner Manuel distributed a letter from the Development Authority Board, requesting that the Board membership be lowered from 16 members to 15.

Motion by Manuel, second by Morgan to reduce the membership of the Jefferson County Development Authority Board to 15 members and that the Town of Bolivar be represented. Motion carried.

In re: BARBARA MILLER – PROJECT CONCEPTS – VOLUNTEER WV! CITIZEN CORPS GRANT

Barbara Miller, Director of Emergency Management and Homeland Security reported on the Citizen Corp Grant sponsored by Volunteer WV.

Motion by Morgan, second by Manuel to approve the project concept paper and that Ms. Miller is authorized to forward them to the appropriate agency for review. Motion carried.

In re: BARBARA MILLER – PROJECT CONCEPTS – WV DEPARTMENT OF MILITARY AFFAIRS AND PUBLIC SAFETY’S HOMELAND SECURITY GRANT

Barbara Miller, Director of Emergency Management and Homeland Security reported that the WV Department of Military Affairs and Public Safety will be looking at a regional grant application after their committee decides which projects they wish to fund.

Motion by Manuel, second by Morgan to approve the project concept paper and that Ms. Miller is authorized to forward them to the appropriate agency for review. Motion carried.

In re: ROGER GOODWIN, CHIEF COUNTY ENGINEER – BONDING POLICY

Upon recommendation from Roger Goodwin, Chief County Engineer the Commission voted on the following bonding:

Motion by Morgan, second by Manuel to approve the complete release of a letter of credit for Uniwest Construction, Inc. – Jefferson Crossing II, Lot 8 in the amount of \$587,856.37. Motion carried.

Mr. Goodwin reported on the Bonding Policy Review Committee workshop that is planned March 18, 2010.

Mr. Goodwin reported on the pending Property Safety Enforcement Ordinance workshop.

Mr. Goodwin reported on the Chesapeake Bay Initiative.

Mr. Goodwin reported on the Subdivision Ordinance amendments.

Mr. Goodwin reported on the permit fee schedule.

In re: BILL POLK, MAINTENANCE DIRECTOR – APPROVAL TO ADVERTISE FOR ANIMAL CONTROL OFFICE SUPERVISOR

Bill Polk, Maintenance Director reported on the need to hire an Animal Control Supervisor.

Motion by Manuel, second by Morgan to approve the placing of an ad for the purpose of hiring a Animal Control Supervisor. Motion carried.

In re: BILL POLK, MAINTENANCE DIRECTOR – APPROVAL TO GO INTO NEGOTIATIONS WITH DAVID KEMNITZER FOR THE HISTORIC STRUCTURE REPORT

Bill Polk, Maintenance Director reported on the Historic Structure report.

Motion by Surkamp, second by Manuel to approve Mr. Polk to go into negotiations with David Kemnitzer for the purpose of completing the Historic Structure report. Motion carried.

Mr. Polk reported on the issues with the mail room and an email received from the County Clerk.

Mr. Polk reported that he will be meeting with Bill Zaleski to set up a model septic tank area for those who will be setting up systems.

Commissioner Morgan left at 2:30 p. m

In re: WATER ADVISORY COMMITTEE INTERVIEWS AND APPOINTMENTS

Commissioner Noland announced that the Commission would be conducting interviews but appointments will be held for one week when Commissioner Widmyer would be present.

Willis Nowell, Roger Ethier, Larry Johnson and Mark Shields appeared before the Commission for interviews to the Water Advisory Committee.

In re: JEFFERSON COUNTY EMERGENCY SERVICES AGENCY INTERVIEWS AND APPOINTMENTS

Andrew Arnold, Maggie Gorman, Alan Williams and Michael Mood appeared before the Commission for interviews to the Jefferson County Emergency Services Agency.

In re: HARPERS FERRY/BOLIVAR PUBLIC SERVICE DISTRICT INTERVIEWS AND APPOINTMENTS

Frank Donadio appeared before the Commission for an interview to the Harpers Ferry/Bolivar Public Service District.

The Commission received the following information:

Memorandum received from Roger Goodwin concerning the acceptance of a bond for Walls Nursery in the amount of \$25,129.

Notice of Public Hearing on Tuesday, March 9, 2010 at 10:00 a.m. - Jefferson County Commission is considering the filing of an application for Small Cities Community Development Block Grant Funds with the State of West Virginia.

Thank you letter received from the Charles Town Library to the Maintenance staff for their work in upgrading the lighting and refinishing the floors in the library meeting room.

Correspondence received from Senator Rockefeller concerning the National Capital Region Land Conservation Act of 2009.

Correspondence received from Jennifer Maghan, County Clerk regarding removal of platform in the mail room.

Letter of resignation received from John Sidor member of the Jefferson County Planning Commission effective February 23, 2010.

Letter of resignation received from Donald Longerbeam Supervisor for the Animal Control office effective February 23, 2010.

Correspondence received from Governor Manchin concerning the census.

Copy of correspondence sent from the Assessor to Rattlesnake Run, Inc. received concerning a correction.

Correspondence received concerning a grant application submitted by the Jefferson County Public Service District and Jefferson Utilities, Inc. Partnership.

Correspondence received from W. Matthew Harris thanking the Commission for the opportunity to interview for the Planning Commission appointment.

Information received on the Forum for Rural Innovation: New Approaches for Agriculture and Rural Prosperity on Friday, March 19, 2010.

Legislative information received from the Association of Counties and the County Commissioners' Association.

E-911 fees received.

Oath of Office received from Clifford E. Taylor as a member of the Planning Commission.

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

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

LYN WIDMYER, COMMISSION PRESIDENT