

# Minutes

## Jefferson County Commission

Thursday, July 8, 2010

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A meeting of the Jefferson County Commission was held on Thursday, July 8, 2010 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Lyn Widmyer, President, Commissioners Patsy Noland, Frances Morgan, Jim Surkamp and Dale Manuel, Tim Boyde, County Administrator and Debbie Stellato. (An audio tape of the July 8, 2010 meeting is available through the Jefferson County Commission Office.)

The Meeting was called to order at 9:30 a. m. by Commissioner Widmyer.

### **PLEDGE OF ALLEGIANCE.**

### **APPROVAL OF MINUTES.**

**Jefferson County Commission Regular Meeting Minutes of June 24, 2010.** Ms. Noland moved that the Minutes be accepted as presented. Mr. Manuel seconded the motion. Amendments were suggested, after which Commissioner Widmyer called for a vote on the Minutes of June 24, 2010 as amended, and the Minutes were unanimously approved. (An audio tape of the June 24, 2010 meeting was made and is available through the Jefferson County Commission Office.)

### **Minutes of Public Hearing held on June 29, 2010 and Special Session held on June 30, 2010.**

No formal Minutes were recorded of these two sessions. Informal summaries have been provided. Audio tapes of both sessions were made and are available through the Jefferson County Commission Office.

Mr. Manuel made a motion that the recorded summaries of the June 29, 2010 public hearing and the June 30, 2010 special session be approved in the aggregate. Ms. Morgan seconded the motion and it was unanimously approved.

### **COUNTY ASSESSOR: REQUEST FOR APPROVAL OF APPROPRIATIONS**

#### **(1) NOTICE OF APPORTIONMENT OF JOINTLY OWNER MOTOR VEHICLES**

Upon presentation by Angela Banks, Assessor, Motion by Ms. Noland, second by Mr. Manuel, to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West

Virginia Code, Ticket No. 312230 for Tax Year 2010, in the amount of \$384.34 for the following, the Motion was unanimously approved:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Sandra D. Matthew	Wife	\$10,800.00	\$239.93
Sandra D. Matthew	Wife	\$ 1,900.00	\$ 42.21
Glenroy P. Matthew	Husband	\$ 4,600.00	\$ 102.20
<b>TOTAL TAXES DUE:</b>			<b>\$ 384.34</b>

**(2) NOTICE OF APPORTIONMENT OF JOINTLY OWNER MOTOR VEHICLES**

Upon presentation by Angela Banks, Assessor, Motion by Ms. Morgan, second by Mr. Manuel to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, Ticket No. 307946 for Tax Year 2010, in the amount of \$173.28 for the following, the Motion was unanimously approved:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Timothy M. Mowrey	Husband	\$ 1,200.00	\$ 26.66
Timothy M. Mowrey	Husband	\$ 1,100.00	\$ 24.44
Timothy M. Mowrey	Husband	\$ 2,000.00	\$ 44.42
Cecelia M. Mowrey	Wife	\$ 3,500.00	\$ 77.76
<b>TOTAL TAXES DUE:</b>			<b>\$ 173.28</b>

**APPROVAL OF PURCHASE ORDERS**

MOTION BY MR. MANUEL to approve Purchase Orders in the amount of \$154,407.43, being purchase order numbers 48281, 48643, 48158, 48160, 48701, 48685, 48757, 48729, 48731, 48732, 47786, 48465, 48466, 48467, 48726, 48727, 48728, 47381, 48464, 48463, 48733. Ms. Morgan seconded the motion.

TIM BOYDE STATED that \$7,505.00 of the total \$154,407.43 purchase orders was a supplemental Regional Jail bill and that he would verify the supplemental bill.

Ms. Widmyer called for a vote on the pending motion, subject to Mr. Boyde’s verification of the supplemental bill. The motion was unanimously approved pending verification of the Regional Jail supplemental bill by Tim Boyde.

**APPROVAL OF ACCOUNTS PAYABLE**

MOTION BY MS. MORGAN to approve \$660,245.52 in accounts payable. Ms. Widmyer seconded the motion and the motion was unanimously approved.

## **PUBLIC COMMENT**

BARBARA SCOTT from Summit Point Raceway offered Summit Point's apologies for blocking a public highway during its last event, She referred to correspondence from Earl Jackson to the Commissioners and others complaining of the traffic jam. Ms. Scott outlined steps that the Raceway is taking to avoid another such problem in the future.

Discussion followed and the Commissioners suggested that Ms. Scott send a letter to Tim Boyde, the County Administrator, explaining the steps being taken to alleviate the traffic problems. The Commission could then send the correspondence on to the appropriate persons in an effort to allay public concerns. Ms. Scott agreed to do so.

The Commissioners thanked Ms. Scott and Summit Point Raceway for taking such prompt action to remedy the situation.

## **COUNTY ADMINISTRATOR REPORTS**

- (1) Tim Boyde advised that although on the Agenda for the July 8, 2010 meeting, the Development Authority was not prepared to meet for an Executive Session on that date.
- (2) FY10 has been completed. The books need to be closed out by July 15, 2010. Requests will be forthcoming for funding for community service organizations, etc. The Commission will need to look at the department budgets and begin the budget allocation process. Several meetings will be scheduled in the future to discuss budget items.
- (3) With regard to the handicapped ramp work at the Hunter House, the Commissioners need to consider and advise if handicapped parking spaces should be included in the project... (As an aside, Ms. Widmyer suggested that the Commission have a ribbon cutting ceremony upon completion of the project and invite the media.)
- (4) The Commission needs to decide if there will be a regular County Commission meeting on Thursday, August 26, 2010, during Jefferson County Fair Week.
- (5) Mr. Boyde met with representatives of the Community Foundation regarding distribution issues. He invited Amy Owens from the organization to come into a County Commission meeting and present the Commissioners with an overview of what the Community Foundation does.
- (6) Ms. Widmyer commented on the Potomac Headwater correspondence and suggested that the correspondence should be directed to the proper staff for response. Tim Boyde will prepare a draft response and this item will be added to next week's agenda for discussion.

## **COUNTY COMMISSION REPORTS**

### **Commissioner Morgan:**

- (1) Met with the new Animal Control Manager, Denise Lambiotte, and her staff.
- (2) Attended a PATH Intervener Meeting. Call to action with public scoping meetings. First meeting schedule for 7/19/2010 from 4:00 – 8:00 p.m. at the Quality Inn (Cliffside). Presentation will be the impact of PATH as it relates to the National Park Service.

- (3) Attended a Board of Health meeting.
- (4) Attended a civil war trails marker meeting. Presently ten sites have been chosen.

**Commissioner Surkamp:**

- (1) Commented that Shepherd University will get all of Senator Byrd's papers.
- (2) Attended the Hollywood Casino at Charles Town Races/Penn National Gaming, Inc. grand opening.
- (3) Attended the PATH Intervener meeting.

**Commissioner Noland:**

- (1) Attended WAC meeting. An electronic recycling event will be held on July 31, 2010 from 9:00 a.m. to 3:00 p.m. at the Jefferson County Fairgrounds. A detailed brochure will be available to the public on the County Commission website.
- (2) Attended a meeting of the Convention and Visitors Bureau. The center is currently working on marketing strategies for the entire county.
- (3) Attended the Affordable Housing Committee meeting

**Commissioner Manuel:**

- (1) Attended the opening of the Jefferson Center. Presently the Center is beginning to line up contract work.
- (2) Attended the WV Department of Highways Route 9 Bike Path Meeting hosted by the Jefferson County Commission. Great turnout from the community.
- (3) Attended a COG Impact Fees Roundtable sponsored by the Jefferson County Commission. Discussion of how these fees impact on commercial growth in the county.
- (4) Attended the opening of the Hollywood Casino at Charles Town Races. It was a great turnout and all involved have high hopes for its positive impact on the community.
- (5) Attended Affordable Housing Committee meeting. Reviewed job posting for consultant and guidelines for Home Program.

**Commissioner Widmyer:**

- (1) Attended the WV Department of Highways Route 9 Bike Path Meeting hosted by the Jefferson County Commission. Discussed future review of Rt. 340 traffic management.
- (2) Attended a COG Impact Fees Roundtable sponsored by the Jefferson County Commission. Suggestion to extend invitation to municipalities to join the roundtable discussion in the future.
- (3) Attended a Public Service District meeting.
- (4) With regard to the Berkeley County Capital Improvement Fee case, Ms. Widmyer would like the appropriate persons at a County Commission meeting in August to give the Commission a briefing. Also may discuss compliance with the Chesapeake Bay initiative legislation.

## PRESENTATIONS

1. BECKY BURNS of the Engineering Department, presenting for Roger Goodwin who was not in attendance, requested that the Commission release completely the construction bond of Cambridge, LLC – Cambridge Manufactured Mobile Home Development, Lots D99 & D102 in the amount of \$30,040.00.

MOTION BY MS. MORGAN to approve the complete release of the said construction bond in the amount of \$30,040.00. Motion seconded by Ms. Widmyer and unanimously approved.

Ms. Burns also requested the partial release of the construction bond for County Green LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue, in the amount of \$10,500.00.

MOTION BY MR. MANUEL to approve the partial release of the said construction bond in the amount of \$10,500.00. Motion seconded by Ms. Morgan and unanimously approved.

2. Hearing on the Petition of James B. Packard to Resign as Administrator of the Estate of John J. Warfield, Deceased. Counsels present were attorneys John Dorsey and Jim Byrd. Also present was Fiduciary Commissioner David DeJarnett.

Lynn Fields from Jefferson County Probate presented an overview of the case. Ms. Fields stated that the Probate Department had received no new documents in this matter since the last hearing before the Commission.

The Commission took a 10 minute break at 10:35 a.m. in order to get Jefferson County legal counsel for the hearing.

The Commission reconvened at 10:55 a.m.

Discussion regarding the necessity of finding a replacement for Mr. Packard before a final accounting can be filed, providing all pertinent documentation to the County Commission before a decision can be reached.

It was unanimously agreed by counsel and Commissioners that legal counsel will supply all necessary documentation to the Commissioners for their review by no later than August 4, 2010. A special meeting will be tentatively scheduled before the Commission for its decision on Wednesday, August 18, 2010, and counsel for the Petitioner shall provide the Commissioner with an Agreed Order setting forth what transpired at this hearing.

3. JENNIFER BROCKMAN and JOHN MAXEY requested that the Commission approve a refund of \$1,050.00 in rezoning fees to the Good Shepherd Interfaith Volunteer Caregivers.

Motion by Ms. Morgan to approve the refund of the \$1,050.00 rezoning fees to Good Shepherd Interfaith Volunteer Caregivers. Motion seconded by Mr. Surkamp and unanimously approved.

Jennifer Brockman requested the approval of Steve Barney starting on Monday, July 12, 2010 as Planning & Zoning's new Zoning Administrator at a salary of \$46,000.00.

Motion by Ms. Morgan to approve hiring of Steve Barney as Zoning Administrator under the conditions set forth by staff. Motion seconded by Mr. Widmyer. Discussion followed. Ms. Widmyer called for a vote on the motion and the motion to hire Steve Barney as Zoning Administrator under the conditions set forth by staff was approved 4 – 1, with Ms. Noland casting the only “no” vote.

4. JENNIFER MAGHAN, COUNTY CLERK, reported that she had been contacted by the West Virginia auditors to set a date for an audit of the County Commission. July 15, 2010 at 2:00 p.m. was selected as the date and time for the audit by the Commissioners, and it was suggested that Tim Boyde speak with the auditors informally before July 15, 2010.
5. Request for reappointment of Eugene D. Pearson to the Eastern Panhandle Transportation Authority (Mr. Pearson was not present at this meeting )

Motion by Ms. Morgan to approve the reappointment of Eugene D. Pearson, motion seconded by Mr. Surkamp and unanimously approved.

6. STEPHANIE GROVE not available for legal update at this time.
7. The Executive Session regarding personnel matters will be moved to the last item before the lunch break.
8. As stated by Tim Boyde previously, the Development Authority is not prepared at this time to participate in an Executive Session.
9. MS. NOLAND had no legislative matters to discuss at this time.
10. MOTION BY MR. MANUEL to accept the people’s choice for the Jefferson County Seal. Motion seconded by Ms. Noland and unanimously approved.
11. No discussion on Proposed Amendments to the Subdivision Regulations Prior to Public Hearing.
12. With regard to the letter suggesting the creation of an IT Development Committee, Mr. Surkamp made a motion that the County Commission accept in concept, general form the proposal laid out in the letter received to create an IT Communications and Development Committee to serve and advise the County Commission;

And that the letter from Richard Deal be forwarded to Charlotte Hernandez-Velez and a designee of the Development Authority by Director Bayuzik;

and that a proposal be developed for presentation to the County Commission consisting of a work plan for the Committee, draft bylaws, comment or acceptance of structure laid out in the letter, professional services if so required by the Committee and what sum of funding that would entail, with the proviso that no member of the Committee shall benefit in a direct pecuniary manner from being on the Committee.

Motion seconded by Ms. Morgan and unanimously approved.

14. MS. MORGAN made a motion that the Commission go into an Executive Session to discuss personnel matters. Mr. Surkamp seconded the motion and it was unanimously approved. Ms. Widmyer suggested the Commission take a five minute break before the Executive Session.

The Commission took a break at 11:55 a.m.

The Commission convened the Executive Session at 12:00 p.m. and adjourned at 12:30 p.m. for lunch.

The Commission reconvened its regular Commission Meeting at 1:30 p.m.

15. Presentation and work session by TODD FAGAN, GIS SPECIALIST regarding FY2011 Staff Reorganization and Possible Departmental Reorganization. Mr. Fagan was joined by Jeff Polczynski, Director of 911 Communications. Messrs. Fagan and Polczynski discussed Mr. Fagan's plans to streamline the GIS Addressing operation at no additional cost to the County. He offered a brief review of the department's FY2011 work plan and described a proposed future staffing reclassification.

The Commissioners requested that Mr. Fagan and Mr. Boyde collaborate and compile a cost analysis showing what the cost would be to put together a new department. Commissioners asked that this matter be put on next week's Agenda for discussion.

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

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LYN WIDMYER, COMMISSION PRESIDENT