

Jefferson County Commission

Thursday, August 19, 2010

A meeting of the Jefferson County Commission was held on Thursday, August 19, 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 Frances Morgan, Patsy Noland, Jim Surkamp and Dale Manuel, Tim Boyde, County Administrator and Nichelle Hosby. (An audio tape of the August 12, 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 August 12, 2010.

Motion by Ms. Morgan to approve the minutes of August 12, 2010 as presented Motion seconded by Mr. Manuel and unanimously approved. (An audio tape of the August 12, 2010 meeting is available through the Jefferson County Commission Office.)

Jefferson County Commission Special Meeting Minutes of August 9, 2010.

Motion by Ms. Morgan to approve the minutes of August 9, 2010 as presented. Motion seconded by Mr. Manuel and unanimously approved. (An audio tape of the August 9, 2010 meeting is available through the Jefferson County Commission Office.)

Jefferson County Commission Special Meeting Minutes of July 22, 2010.

Motion by Ms. Morgan to approve the minutes of July 22, 2010 as amended. Motion seconded by Ms. Noland and unanimously approved. (An audio tape of the July 22, 2010 meeting is available through the Jefferson County Commission Office.)

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$87,689.93 being purchase order numbers: 48494, 48899, 48787, 48788, 48789, 48827, 48593, and 48828. Motion seconded by Ms. Morgan and was unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve \$344,593.16 in accounts payable. Motion seconded by Mr. Manuel and was unanimously approved.

PUBLIC COMMENT (General)

Budge Blake congratulated the County and Planning Commission on how fast they shared information regarding the Old Standard Quarry Brownfield Development. Ms. Blake requested the Commission go a step further and obtain a Federal Attorney to address this issue.

Roger Eitleman reported that STOP PATH had submitted an application for funding.

Gaye Snyder and Ryan Guerrero asked the Commission to address the Preschool Amendments in the Subdivision and Land Development Regulation Amendments.

COUNTY ADMINISTRATOR REPORTS

County Administrator Tim Boyde:

- (1) Reported that the Personnel Policy draft is ready.
- (2) Reported that the Issue Resolution draft has been submitted to council.
- (3) Reported that Kellie Boles has submitted a letter of resignation effective September 2, 2010.
- (4) Reported that the County may possibly not get proceeds from the Table Games this year.
- (5) Reported that the Berkeley/Jefferson Day Report Center has asked for \$10,000.00 less which will be a savings to the County.

PRESENTATIONS

- (1) Jennifer Brockman, Director of Planning and Zoning requested a decision on the Proposed Amendments to the Jefferson County Subdivision and Land Development Regulations and answered questions related to the Preschool Amendment request.

Motion by Ms. Morgan to approve the adoption of the Amendments to the Jefferson County Subdivision Regulations as recommended by staff. Motion seconded by Mr. Surkamp and approved 4-1. Ms. Noland voted no.

Gaye Snyder was present and made comment.

- (2) Motion by Ms. Morgan to approve exoneration's due to erroneous assessments as presented by Angela Banks, Assessor. Motion seconded by Mr. Manuel and unanimously approved.

Name	District	Type	Ticket #	Amount
Janet M. Eldridge	Kabletown	Real Estate	16800	2,359.34

Ms. Banks asked to remove her budget item as it will be rescheduled at a later date.

The Commission took a 5-minute break at 10:25 a. m.

(3) Budget Discussion:

Tim Boyde reported on Table Game Revenue and noted that there is a question about County and Municipal distributions.

Mark Schiavone reported on the unencumbered funds.

Motion by Mr. Manuel to approve One million dollars or fifty percent of the unencumbered balance, whichever is smaller, be allocated into the Capital Savings Account. Further, that for this calculation the final unencumbered balance be considered after the capital outlay funds and the seventy thousand voted to be reallocated to volunteer fire companies be subtracted. Motion seconded by Ms. Noland.

Ms. Widmyer ruled that the motion is divisible.

Motion by Mr. Manuel, to approve One million dollars or fifty percent of the unencumbered balance, whichever is smaller, be allocated into the Capital Savings Account. Motion seconded by Ms. Noland. Motion deferred until later in the day's deliberation.

Motion by Mr. Manuel to set aside \$153,400 to the Capital Outlay Funds pending comments from the elected officials on how the funds will be used. Motion seconded by Mr. Surkamp and approved 4-1. Ms. Morgan voted no.

Motion by Mr. Manuel to reallocate \$140,000 to the volunteer fire companies and that the service guidelines provided by the Jefferson County Emergency Services Agency be adhered to by the fire companies. Motion seconded by Mr. Surkamp.

Amended motion by Ms. Morgan to restore fifty percent or \$70,000 to the volunteer fire companies and that the service guidelines provided by the Jefferson County Emergency Services Agency be adhered to and that certification is given to the Commission in writing. Motion seconded by Ms. Widmyer.

Amendment to the Amendment motioned by Ms. Noland to reallocate \$112,000 to the fire companies with each company agreeing in writing to certification from the Jefferson County Emergency Services Agency that the service guidelines they provided to the Commission be adhered to by each company and that this matter will be revisited in January 2011. Motion seconded by Mr. Manuel and approved 4-1. Ms. Morgan voted no.

Main motion as amended by Ms. Noland to reallocate \$112,000 to the fire companies with each company agreeing in writing to certification from the Jefferson County Emergency Services Agency that the service guidelines they provided be adhered to by each fire company. Motion seconded by Mr. Manuel and approved 4-1. Ms. Morgan voted no.

Mr. Boyde reported on three proposals for general wage increases.\

Motion by Mr. Manuel that \$450,000 is placed in a fund to be utilized to implement salary increases and salary equity. Motion failed.

Motion by Ms. Noland to approve the recommendation from Mr. Boyde for a three percent general wage increase retroactive to July 1, 2010. Motion seconded by Mr. Manuel and failed 2-3. Ms. Morgan, Ms. Widmyer and Mr. Surkamp voted no.

Motion to amend by Mr. Manuel to approve a drawdown of all the unused dollars from the health insurance accounts and use that money to finance the three percent increase. Motion seconded by Ms. Noland and failed 2-3. Ms. Widmyer, Ms. Morgan and Mr. Surkamp voted no.

Motion by Ms. Widmyer to approve a two and a half percent cost of living increase for employees with the primary source of funding coming from the unused health insurance accounts. Motion seconded by Ms. Noland and approved 3-2. Mr. Surkamp and Ms. Morgan voted no.

Motion to amend by Mr. Manuel to approve a drawdown of all the dollars from the insurance accounts and move that money to a separate account to finance the two and a half percent increases. Motion seconded by Ms. Noland and passed 3-2. Ms. Morgan and Mr. Surkamp voted no.

Motion by Mr. Surkamp to allocate \$5000 to STOP PATH for an expert study on the adverse health effects on the PATH transmission lines. Motion failed.

(4) Stephanie Grove– Assistant Prosecuting Attorney – Annexation Ordinance, Certificate and Order for WVA 340 Limited Partnership:

Ms. Grove gave a brief summary of the Annexation proposal.

Motion by Mr. Surkamp to approve the Annexation Ordinance, Certificate and Order for WVA 340 Limited Partnership. Motion seconded and unanimously approved.

(5) Jennifer Brockman – Approval and Signing of Urban Tree Canopy Grant sponsored by the WV Division of Forestry – Chesapeake Bay Community Grants:

Ms. Brockman gave a brief over view of the Urban Tree Canopy Grant.

Motion by Ms. Morgan to support the joint Urban Tree Canopy Grant application led by Jefferson County, City of Ranson and the City of Charles Town planning staffs and, hereby authorize the County Commission President to affix her signature, on behalf of the County Commission, the Urban Tree Canopy Grant application sponsored by the WV Division of Forestry – Chesapeake Bay Community Grants. Motion seconded by Mr. Surkamp and unanimously approved.

(6) Jennifer S. Maghan – County Clerk’s Report

Ms. Maghan reminded the Commission that the Special Election will be held August 28, 2010 and that the Canvass is scheduled for August 31, 2010 at 9:00 a. m. and that it must be completed by 4:00 p.m. on Wednesday, September 1.

Ms. Maghan reported that the public test on Wednesday, August 18, 2010 went very well.

Ms. Maghan distributed a summary of the James Packard - Gomez case. (See attached)

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

The Commission reconvened at 1:40 p.m.

(7) Budget Discussion continued:

Mr. Boyde presented a list of budget restorations.

Motion by Ms. Noland to approve \$27,260 to restore the County Clerk court benefit restoration, \$3,327 to the VOCA Grant Prosecuting Attorney and \$12,000 to the Sheriff-Law for trip guards. Motion seconded by Mr. Manuel and approved.

Motion by Mr. Manuel to approve the allocation of \$60,000 to the Potomac Street Project in Harpers Ferry. Motion seconded by Ms. Widmyer and unanimously approved.

Mr. Alsdorf, Harpers Ferry Historic Town Foundation, was present and gave comments.

Ms. Morgan gave an overview of the budget request from the Farmland Protection Board.

Motion by Ms. Morgan to approve a loan in the amount of \$335,000 at zero interest for five years and a balloon payment at the end of the five years to the Farmland Protection Board pending completion of and entering into a memorandum of understanding between the Board and the County Commission. Motion seconded by Ms. Noland.

Motion to amend by Mr. Manuel to reduce the amount to \$150,000. Motion seconded by Ms. Noland and failed 2-3. Mr. Surkamp, Ms. Morgan and Ms. Widmyer voted no.

(8) Delegation –Senator Herb Snyder, Senator John Unger, Delegate Tiffany Lawrence and Delegate John Doyle:

Delegate Lawrence presented two grants on behalf of Governor Manchin: Focus Coalition and the Children’s Home Society of WV.

Ms. Slater accepted the Grant on behalf of the Children’s Home Society of WV and made comments.

Senator Snyder, Senator Unger, Delegate Doyle and Delegate Lawrence made comments concerning Table Games Funds distributions. Stephanie Grove was present and gave comment.

Senator Unger commented on the opening of Rte 9 and the 340 study. Senator Unger spoke briefly on “net neutrality”.

The Commission took a five minute break at 3:02 p.m.

(9) Discussion with Delegation concerning the Brownfield Development District for Old Standard Quarry:

Ms. Widmyer reported on the open house Monday, August 16, 2010.

Senator Snyder explained the process on Bundling.

Comments were made by the following individuals:

Senator Snyder	Delegate Lawrence	Delegate Doyle
Senator Unger	Paul Rosa	Barbara Humes
David Webb	Budge Blake	Gary Duncan
John Maxey		

Closing remarks from the Delegation were as follows:

Senator Snyder reported on Rte 340 and the table games distribution.

Delegate Lawrence reported that she was proud of the County and how well the community is coming together.

Senator Unger thanked the Commission for keeping the community informed on issues and for allowing the Delegation an opportunity to speak.

Delegate Doyle thanked the Commission for all that they are doing to keep the community informed.

The Commission took a 5 minute break at 4:30 p.m.

Budget continued:

Amended motion by Mr. Manuel for the Farmland Protection Board to pay \$75,000 per year from the first \$75,000 of revenues to pay down the debt. Motion seconded by Ms. Noland and failed 2-3. Ms. Widmyer, Ms. Morgan and Mr. Surkamp.

Motion by Ms. Morgan to approve a loan with a Memorandum of Understanding to the Farmland Protection Board in the amount of \$335,000 at zero percent interest for five years with a balloon payment at the end of the five years. Motion seconded by Mr. Surkamp and approved 3-2. Ms. Noland and Mr. Manuel voted no.

Motion by Ms. Morgan to approve the minutes of July 22, 2010 as amended. Motion seconded by Ms. Noland and unanimously approved.

Motion by Mr. Manuel to approve allocation of \$50,000 to the Jefferson Center for capital equipment purchases. Motion seconded by Mr. Surkamp and unanimously approved.

Motion by Mr. Manuel to approve fifty percent or \$293,175 of the unencumbered balance be allocated into a Capital Savings Account. Motion seconded by Ms. Morgan. Seconded withdrawn by Ms. Morgan and Ms. Noland then made the second.

Amendment to the motion by Ms. Noland to approve \$175,000 into a Capital Savings Account. Motion seconded by Ms. Widmyer and passed 4-1. Mr. Manuel voted no.

Main motion to approve \$175,000 into a Capital Savings Account and was unanimously approved.

Motion by Mr. Surkamp for approval to the request for a building permit fee refund to Elwood and Juliet Breeden. Motion seconded by Ms. Morgan and was unanimously approved.

Motion by Mr. Manuel that the director and the necessary department heads begin work on a five year budget plan in an effort to scope out our future needs and our ability to finance them. Motion seconded by Ms. Widmyer and unanimously approved.

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

LYN WIDMYER, COMMISSION PRESIDENT