

Minutes

Jefferson County Commission

Thursday, October 28, 2010

A meeting of the Jefferson County Commission was held on Thursday, October 28, 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, Dale Manuel, Jim Surkamp and Frances Morgan; Tim Boyde, County Administrator and Debbie Stellato, Administrative Assistant. (An audio tape of this October 28, 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.

Motion by Mr. Manuel to approve the minutes of the October 14, 2010 meeting as presented. Motion seconded by Ms. Morgan and unanimously approved. (An audio tape of the October 14, 2010 meeting is available through the Jefferson County Commission Office.)

Motion by Ms. Morgan to approve the minutes of the October 21, 2010 meeting as amended. Motion seconded by Ms. Noland and unanimously approved. (An audio tape of the October 21, 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 \$32,294.22 being purchase order numbers:49038, 48297, 49047, 48197, 49034, 49036, 49037, 49039, 49044, 49045, 49046, 49048, 48933, 48547, 48549, 48550, 48551, 48552, 48903, 48904, 49040, 49041, 49042, 48596, 48597, and 49043. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Mr. Manuel to approve \$389,529.02 in accounts payable. Motion seconded by Ms. Morgan and unanimously approved.

PUBLIC COMMENT

Paul Rosa commented on (1) the wireless communication ordinance, (2) Harper Ferry's request to have Kirk Davis assist in the Potomac Street project, and (3) the proper venue for attorney Michael Cassell's comments on the proposed US 340 Federal Lands Rezoning.

COUNTY ADMINISTRATOR REPORTS

County Administrator Tim Boyde:

- (1) Reported that he had received a quote of \$1,500.00 per year to purchase liability insurance for volunteers working on County projects. Mr. Boyde will provide the Commissioners with a list of volunteers for their approval and the Commission will consider payment of the \$1,500.00 insurance premium at next week's meeting.
- (2) Reported that in connection with TIF he met with Gary Rawlings, Charles Town City Manager and Dave Mills, Ranson City Manager and reviewed the current composition of brownfields and reviewed different projects that could be of benefit to the area. Mr. Boyde will submit a written report at next week's Commission meeting.

Mr. Manuel commented that he would like to see an accounting of the County contingency fund for the last five (5) years. An accounting will be prepared for the Commission's review.

COUNTY COMMISSION REPORTS

Commissioner Jim Surkamp:

- (1) Reported that he attended the Council of Governments meeting on Wednesday evening. The topic was sewer consolidation. The subject will be revisited in January, 2011.
- (2) Reminded the Commission that Delegate Lawrence invited Mr. Thorn to Charles Town and Mr. Thorn will be in Charles Town tomorrow. He is the one to go to for signs, Mr. Surkamp inquired if the Commission would consent to his going to Mr. Thorn for "Share the Road" signs for bikers. The Commissioners had no objection.

Commissioner Frances Morgan:

- (1) Reported that on October 26, 2010 she attended a lengthy Planning Commission meeting where Athens Green and the expansion of Summit Point Raceway were two of the topics discussed.
- (2) Reported that on October 27, 2010 she spoke at length on the telephone with Peter Fricke of the Farmland Protection Board regarding environmental and Chesapeake Bay issues.
- (3) Ms. Morgan noted that Lynn Welsh, a Jefferson County resident and Ms. Morgan's neighbor, won a national tennis tournament in Palm Springs, California. The story was covered in the Winchester Star newspaper.

Commissioner Dale Manuel:

- (1) Reported that on October 23, 2010 he attended the Ranson 100 Year Dedication Ceremony. Governor Manchin delivered the key note address. The park and a beautiful made-in-America clock were dedicated as well.
- (2) Reported that on the same date, October 23, 2010 he was in attendance when Governor Manchin presented awards to outstanding citizens and businesses in front of the Bank of Charles Town. The Governor posed for a picture with a "Support the Levy" sign.
- (3) Reported that on October 27, 2010 he attended the Council of Governments meeting. The topic of discussion was sewer consolidation.

- (4) Reminder that the Animal Welfare Society is celebrating “Howloween” on Saturday night, October 30, 2010 at the Hollywood Casino at the Charles Town Races.

Commissioner Patricia Noland:

- (1) Reported that she attended the Jefferson County Roundtable Meeting on October 27, 2010.

Commissioner Lyn Widmyer:

- (1) Reported that she attended the Governor’s awards presentation on October 23, 2010 and was pleased to see so many local businesses honored by the Governor.
- (2) Reported that she attended the Eastern Panhandle Economic Outlook Conference. It was reported at the conference that the Eastern Panhandle is growing again and that it is doing much better economically now than at this time last year.
- (3) Received the West Virginia State Auditor’s Magistrate Courts report and will place it in the County Commission Office for the Commissioners to review.
- (4) Reported that groundbreaking for the APUS Building is scheduled for the morning of Thursday, November 18, 2010. In order for the Commissioners to be able to attend the groundbreaking, the Commission meeting will convene at 10:30 a.m. instead of its regular time on that date.

PRESENTATIONS:

(1) Angie Banks, Assessor – Exonerations

Angela Banks, Assessor, requested exoneration for Tuscowilla Hills Citizens Association, Inc. (Shenandoah Dev Corp.) in the amount of \$2,143.84. Parcel was assessed as a building lot under the name of Shenandoah Dev. Corp. It should have been transferred previously and assessed as common area to the Tuscowilla Hills Citizens Association.

Motion by Mr. Manuel to approve exoneration of \$2,143.84 for Tuscowilla Hills Citizens Association, Inc. (Shenandoah Dev Corp., Ticket No. 6029. Motion seconded by Ms. Noland and unanimously approved.

Name	District	Type	Ticket #	Amount
Tuscowilla Hills Citizens Assn., Inc. (Shenandoah Dev Corp.)	Charles Town	Real Estate	6029	\$2,143.84

(2) Barbara Miller, Director of Homeland Security and Emergency Management

Ms. Miller presented Memoranda of Understanding to be signed by officials of 16 Jefferson County Schools and the Jefferson County Commission, which executed MOU’s would allow Homeland Security and Emergency Management to use the schools for points of distribution, back up command centers, shelters or other uses deemed necessary during disasters or large emergencies.

Motion by Ms. Morgan that the Commission authorize its President, Lyn Widmyer, to sign the 16 MOU's on its behalf. Motion seconded by Ms. Noland and unanimously approved.

(3) Rolfe M. Kelley, President, Jefferson County Emergency Services Agency

Updated the Commission on the status of ESA's Strategic Plan and informed the Commissioners that it has accepted a new bid for consultation in the amount of \$31,500.00. Mr. Kelley requested that the Commission approve additional funding for the preparation of the Strategic Plan in the amount of \$6,500.00.

Motion by Mr. Manuel to approve the additional \$6,500.00 in funding for the ESA Strategic Plan consultation fee, and that the \$6,500.00 be deducted from the coal severance fund. Motion seconded by Ms. Morgan and unanimously approved.

(4) Legislative Issues – Patricia Noland

Ms. Noland advised that the legislative issues she presented at the Commission's October 21, 2010 meeting are ongoing and she had nothing new to report.

(5) Approval of Employment – Jefferson County Commission – Administrative Assistant

Mr. Boyde explained the need for a full-time Administrative Assistant in the Jefferson County Commission Office and requested that the Commission approve the hiring of Deborah S. Stellato as Administrative Assistant II, effective October 31, 2010.

Motion by Ms. Morgan to hire Deborah S. Stellato as full-time Administrative Assistant II in the Jefferson County Commission Office, effective October 31, 2010. Motion seconded by Mr. Surkamp and unanimously approved.

(6) Request by Linda Briganti of the Dolley Madison Garden Club to use the Commission meeting room for a Christmas Market Place on Saturday, December 4, 2010

Motion by Ms. Morgan to approve the use of the Commission meeting room by the Dolley Madison Garden Club for a Christmas Market Place on Saturday, December 4, 2010. Motion seconded by Ms. Noland and unanimously approved.

(7) Request for Approval of Appointment of Tommy Lee Longerbeam to the Jefferson County Sheriff Reserve

Motion by Mr. Manuel to approve the appointment of Tommy Lee Longerbeam to the Jefferson County Sheriff Reserve. Motion seconded by Mr. Surkamp and unanimously approved.

(8) Legal Update – Stephanie Grove, Assistant Prosecuting Attorney

Ms. Grove stated that she had reviewed and approved the contract with attorney Brad Stephens in connection with the PATH Case, Case No. 09-0770-E-CN, and recommended that the Commission approve the contract.

Motion by Mr. Surkamp to approve the contract as reviewed and recommended by Ms. Grove. Motion seconded by Ms. Morgan and unanimously approved.

Ms. Grove offered an overview of the test well drilling services contract by Analytical Services, Inc. She has reviewed the contract and recommended some changes. Ms. Grove recommended that the Commission approve the contract with her changes.

Motion by Mr. Surkamp to approve the contract for Analytical Services, Inc. with Ms. Grove's changes. Ms. Morgan seconded the motion and it was unanimously approved.

(9) Tom Bayuzik, Executive Director of the Jefferson County Development Authority

Mr. Bayuzik requested approval from the Commission to split and create two positions: Ag Development Officer and Jefferson County Farmland Protection Board Administrator. Peter Fricke also spoke on the need for two administrators.

Motion by Mr. Manuel to approve splitting the Administrator position into two: one Ag Development Officer and one JC Farmland Protection Board Administrator. Motion seconded by Ms. Noland and unanimously approved.

The Commission took a 5 minute break at 11:00 a.m.

(10) Interviews and Appointments to the Emergency Services Agency

There were four applicants for two positions at the Emergency Services Agency, one full-time and one unexpired term: (1) Paul Rosa, (2) Michael Alvarez, (3) Marty Freeman, and (4) Brenda Engle. Messrs. Rosa and Alvarez spoke briefly to the Commission explaining why they should be appointed. Marty Freeman and Brenda Engle were not present. Upon nomination and vote, the Commission appointed Michael Alvarez (with four votes) to the full time position, and Marty Freeman (with three votes) to fill the unexpired term.

(11) Jennifer S. Maghan, County Clerk's Report

Ms. Maghan advised that voter canvass for the Commissioners is scheduled for Monday, November 8, 2010 beginning at 9:30 a.m. in the Old County Commission Meeting Room in the Circuit Courthouse. She also updated the Commissioners on the numbers of early voters which has increased since 2006.

(12) Request from the Corp. of Harpers Ferry to utilize the part-time services of Kirk Davis, Capital Projects Manager, in the Potomac Street Construction Project

Joe Anderson of the Harpers Ferry Council and Al Alsdorf of the Historic Foundation spoke to the need for Mr. Davis' assistance on the project. After discussion as to the feasibility of Mr. Davis being able to both handle his work for Capital Projects and assist with the Potomac Street Construction Project, it was determined that that would not be an issue.

Motion by Ms. Morgan to approve the Corp. of Harpers Ferry's part-time utilization of Kirk Davis, Capital Projects Manager, to assist with the Potomac Street Construction Project. Motion seconded by Mr. Surkamp.

Motion amended by Ms. Noland to further state that Mr. Davis is approved to work on the Harpers Ferry project for no more than 348 hours total and that a MOU should be prepared. Subject to legal review of the MOU the amended motion was unanimously approved.

(13) Mark Schiavone, Director of Capital Planning and Management

Mr. Schiavone requested that the Commission approve his draft Resolution to amend the Coal Severance Fund. This revision is required to fund certain decisions made by the County Commission.

Motion by Mr. Manuel to approve the Resolution amending the Coal Severance Fund. Motion seconded by Ms. Morgan and unanimously approved.

(14) School Levy

Motion by Ms. Morgan to adopt a Resolution indicating the Commission's support for the renewal of the school levy and to distribute the Resolution electronically. Motion seconded by Mr. Manuel and unanimously approved.

The Commission broke for a 1-hour lunch at 12:30 p.m.

(15) J. Michael Cassell, Esquire – Proposed US 340 Federal Lands Rezoning

Mr. Cassell commented that the proposed US 340 Federal Lands Rezoning is "not ready for prime time." He stated that many citizens have questions and he has not been able to review a file on the proposed rezoning. He suggested to the Planning Commission that they put together a file with all pertinent documents concentrated within that file. Mr. Cassell made a request to postpone the public hearing in this matter which is scheduled for November 18, 2010.

(16) John Maxey, President, Jefferson County Planning Commission – Response to letter from Lyn Widmyer, County Commission President, regarding the rezoning of certain Federal lands along US 340

Mr. Maxey read a letter prepared by the Planning Commission in response to the Jefferson County Commission’s correspondence , which letter explained the Planning Commission’s position on the rezoning matter.

Motion by Ms. Widmyer that at least two weeks prior to the November 18, 2010 public hearing that the Planning Commission submit a report stating what is to be accomplished, assure that all adjacent landowners have been notified, and post the report on the web along with all supporting documents. Motion seconded by Mr. Surkamp and unanimously approved.

(17) Jennifer Brockman, Director of Planning and Zoning

Steve Barney and John Maxey commented on the draft wireless telecommunications facilities ordinance that is being prepared and the need to schedule a public hearing with regard to the final draft.

As per request of the County Commission, Jennifer Brockman presented the Commissioners with a draft of the FY2011 Quarterly Work Plan for the Planning and Zoning Department.

Motion by Mr. Surkamp to hold a public hearing on the proposed telecommunications facilities ordinance before the end of the year. Motion seconded by Ms. Widmyer.

Mr. Surkamp amended his motion to add “pending review of the Work Plan.”

Discussion followed and Mr. Surkamp withdrew his original motion and amended motion.

Motion by Ms. Noland to adjourn the meeting. Motion seconded by Mr. Manuel.

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

LYN WIDMYER, PRESIDENT

