

**Special Session**  
**Jefferson County Commission**  
**Monday, November 8, 2010**

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A meeting of the Jefferson County Commission was held on Monday, November 8, 2010 at the County Commission Meeting Room at the Jefferson County Circuit Courthouse, 100 E. Washington Street, Charles Town, West Virginia. 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 November 8, 2010 meeting is available through the Jefferson County Commission Office.)

The Jefferson County Commission sitting as a Board of Canvassers recessed at 3:30 p.m. and a Special Session of the Jefferson County The meeting was convened at 3:33 p.m. by Commissioner Widmyer following the recess at 3:30 p.m. of.

**APPROVAL OF MINUTES.**

Motion by Ms. Morgan to approve the minutes of September 30, 2010 as amended, seconded by Ms. Noland and unanimously approved. (An audio tape of the September 30, 2010 meeting is available through the Jefferson County Commission Office.)

**APPROVAL OF PURCHASE ORDERS**

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$41,859.98 being purchase order numbers: 48948, 48886, 48503, 48723, 48724, 48833, 49006, 49007, 49008, 49011, 49012, 49013, 48930, 48539, 48555, 48556, 48557, 48558, 49009, 49010. Motion seconded by Ms. Morgan and unanimously approved.

**APPROVAL OF ACCOUNTS PAYABLE**

Motion by Ms. Morgan to approve \$562,351.25 in accounts payable. Motion seconded by Ms. Noland and unanimously approved.

**COUNTY ADMINISTRATOR REPORTS**

**County Administrator Tim Boyde:**

- (1) Met with department heads on Wednesday, October 6, 2010 to discuss policies and procedures. There was good interaction among the departments. A lot is being accomplished.
- (2) Spoke with Doug Pittinger and Pete Kelly from the JCESA about their request and proposal relative to long range planning. More on this later in the meeting.
- (3) Scheduled a TIF overview with John Stump for October 18, 2010 at 3:00 p.m. This coincides with the WAC meeting, but WAC will be relocated. Officials from both Ranson and Charles Town will be invited to attend.
- (4) Spoke with Alana Hartman, Potomac Basin Coordinator for the DEP re: the Chesapeake Bay Watershed. She will be coming before the Commission on October 21, 2010 to offer an update on the initiative.
- (5) Ms. Widmyer suggested sending Senator Snyder a complimentary invitation. Ms. Morgan suggested that the whole delegation should be invited and it was unanimously agreed to invite the entire delegation to the presentation on October 21, 2010.
- (6) Two changes to the Agenda. David Kemnitzer's 10:15 a.m. presentation was removed from the Agenda and Jennifer Brockman was moved from her 12:00 p.m. slot into the 10:15 a.m. time slot.

## COUNTY COMMISSIONER REPORTS

### **Commissioner Patricia Noland:**

- (1) Request that the Commission set up and host the yearly legislative meeting of the County Commissioners' Association on November 29, 2010 at 3:00 p.m. Vivian Parsons of the County Commissioners' Association will be here to speak about legislative issues.
- (2) Reported that Dale Manuel was appointed to the Legislative Committee of the County Commissioners' Association.
- (3) Wednesday, October 6, 2010 she attended an Affordable Housing meeting. The members plan to start taking applications in a couple of weeks. She advised that Marie Gallozzi was hired as Director.

### **Commissioner Dale Manuel:**

- (1) Reported that he attended Blue Ridge Elementary School Ground Breaking Ceremony on October 2, 2010.
- (2) Reported that he attended the dedication of the Driswood Elementary School on October 2, 2010.
- (3) Reported that on October 2, 2010 he attended the PATH Yard Sale held to raise money to resist the PATH power line.
- (4) Reported that on October 6, 2010 he attended the Brownfield Project Meeting at the Shepherdstown Library.

### **Commissioner Morgan:**

- (1) Reported that on October 1, 2010 she attended the monthly meeting of the Board of Health.
- (2) Reported that on October 6, 2010 she attended the Bolivar City Council meeting.
- (3) Reported that on October 5, 2010 she attended the luncheon fundraiser for Community Alternatives to Violence.
- (4) Reported that on October 2, 2010 she attended the ribbon cutting ceremony at the Blue Ridge Elementary School.
- (5) Reported that on October 4, 2010 she attended the NAACP candidates' debate in the County Commission Meeting Room.

### **Commissioner Surkamp:**

Mr. Surkamp inquired of Mr. Boyde as to the status of the letter received by the Commission from the Risk Pool. Mr. Boyde advised him that the letter had been forwarded to BRIM and that the issue is being addressed.

### **Commissioner Lyn Widmyer:**

- (1) Reported that she attended an all day work session on Smart Code. The work session was very well attended and the Jefferson County Planning Department staff was also in attendance.
- (2) Reported that she participated in the Freedom's Run marathon on Saturday, October 2, 2010.
- (3) Reported that on October 4, 2010 she attended the Public Service District meeting.

### **PRESENTATIONS:**

- (1) **Jefferson County Emergency Services Agency – Fire Company Contracts – Pete Kelly** of the JCESA, standing in for Doug Pittinger, discussed the status of the proposed fire company contracts.

Motion by Mr. Manuel, seconded by Ms. Noland, to authorize the President to sign the contracts on behalf of the County Commission and release \$25,000.00 to each of the fire companies. Motion was unanimously approved.

- (2) **Jennifer Brockman, Director of Planning and Zoning** – Follow up on Land Development Fee Roundtable Discussion and Request to Schedule a Public Hearing on the Draft Land Development Fee – Ms. Brockman gave a brief presentation on estimated cost recovery fees and requested that the Commission go forward with a public hearing. There was unanimous agreement that the fees were too high and it was suggested to refer the fee schedule back to the Planning Commission for revision and policy recommendation.

Motion by Mr. Surkamp that the Commission institute a fee with the amount to be determined. The motion was not seconded.

Motion by Mr. Surkamp that the Commission refer back the estimated cost recovery fee schedule to the Planning Commission with questions to be answered on fee levels. Secondly, that a site plan fee be instituted. Ms. Widmyer seconded the motion.

Mr. Manuel asked if the motion was divisible. Ms. Widmyer answered in the affirmative and asked Mr. Surkamp if he would like to restate the first part of his motion.

Motion by Mr. Surkamp that the County Commission refer the proposed land development fee schedule back to the Planning Commission for further recommendations. Motion was previously seconded by Ms. Widmyer. Motion was unanimously approved.

Motion by Mr. Surkamp that the Commission approve the proposed structure and categories of the fee schedule because they comply with the current ordinances. The motion was not seconded.

**The Commission took a 5 minute break at 10:35 a.m.**

- (3) Jennifer Maghan, County Clerk – Proposed change of polling place** – request for the Commission to approve a change of polling place for districts 23A and 23B from the 7<sup>th</sup> Day Adventist Church to the Country Day School.

Motion by Ms. Morgan to approve the change in polling place for 23A and 23B from the 7<sup>th</sup> Day Adventist Church to the County Day School for the November 2, 2010 election. Motion seconded by Mr. Manuel and unanimously approved.

- (4) Angela Banks, Assessor – Exonerations**

Angela Banks, Assessor, requested exoneration for John McDowell in the amount of \$329.94. His business, Goldenrod Antiques, was closed in November, 2007.

Motion by Ms. Noland to approve exoneration of \$329.94 for John McDowell, Ticket No. 305596 as presented by Angela Banks, Assessor. Motion seconded by Mr. Manuel and unanimously approved.

Name	District	Type	Ticket #	Amount
John McDowell	Charles Town	Personal Property	305596	\$329.94

Angela Banks, Assessor, requested exoneration for Anthony A. Williams in the amount of \$31.10. His vehicle was assessed in another county and should not have been assessed in Jefferson County.

Motion by Ms. Morgan to approve exoneration of \$31.10 for Anthony A. Williams, Ticket No. 304909 as presented by Angela Banks, Assessor. Motion seconded by Mr. Manuel and unanimously approved.

Name	District	Type	Ticket #	Amount
Anthony A. Williams	Charles Town	Personal Property	304909	\$31.10

Angela Banks, Assessor, requested exoneration for Mariah C. Cox in the amount of 99.98. Applicant moved prior to July 1, 2009. Vehicle was erroneously assessed in Jefferson County.

Motion by Ms. Morgan to approve exoneration of \$99.98 for Mariah C. Cox, Ticket

No. 314903 as presented by Angela Banks, Assessor. Motion seconded by Ms. Noland and unanimously approved.

Name	District	Type	Ticket #	Amount
Mariah C. Cox	Charles Town	Personal Property	314903	\$99.98

**(5) Legislative Issues – Commissioner Patricia Noland**

Ms. Noland elaborated on legislative issues discussed at the County Commissioners' Association meeting she attended in Barboursville. She advised that the Legislative Summit would be hosted by the Jefferson County Commission this year and held in the Commission Meeting Room. She suggested that the Commission send letters to the Berkeley County Commissioners and the Jefferson County Delegates and invite them to participate in the Summit.

**(6) Legal Update – Stephanie Grove, Assistant Prosecutor**

- a. Reported that she has reviewed the proposed Impact Fee Agreement with Tischlerbise, Inc. Mark Schiavone is making suggested revisions and the agreement will be ready for execution.
- b. Reported that she is currently working on personnel issues with Mr. Boyde.
- c. Reported that she has reviewed the proposed agreement with Global Data and advises that it is ready to be executed.

**Motion by Ms. Morgan to go into Executive Session.** Motion seconded by Mr. Surkamp and unanimously approved.

**(7) Flowing Spring Treatment Plant Letters** – discussion by Commissioners as to whether or not to support the project without Federal and State grants. Unanimous consent that Ms. Widmyer would send a letter to Sandra Squire of the Public Service Commission advising that the Jefferson County Commission would not support this project without the assistance of Federal and State grants.

**(8) Request by Hali Taylor, Director, Shepherdstown Library and Tom Bayuzik of the Jefferson County Development Authority, for a letter of support from the County Commission for an EPA grant clean up application for funds to clean up a 4.5 acre brownfield.**

Motion by Ms. Morgan to provide a letter of support drafted by Ms. Taylor and signed by the Commissioners. Motion seconded by Mr. Manuel.

Ms. Morgan moved to amend the motion to state that the Commission authorizes the President of the County Commission to sign the letter on behalf of all of the Commissioners. Amended motion seconded by Ms. Noland and unanimously approved.

**Commission took a 5 minute break at 12:05 p.m.**

**Ms. Noland made a motion for an Executive Session.** Motion was seconded by Ms. Morgan and unanimously approved.

**(9) Request for approval to fill the vacancy in the Animal Control Department for an Animal Control Officer.**

Motion by Mr. Manuel to approve and begin the process by advertising to fill the position. Motion seconded by Ms. Noland and unanimously approved.

**(10) Reappointment to the West Virginia Eastern Panhandle Transportation Authority – G. Warren Mickey.**

Motion by Mr. Manuel to reappoint G. Warren Mickey to the West Virginia Eastern Panhandle Transportation Authority. Motion seconded by Ms. Morgan and unanimously approved.

**(11) Approval of Telephone Line Rental Contracts.**

Motion by Ms. Noland to approve a one-year renewal during which time the Commission will explore other options. Motion seconded by Mr. Manuel and unanimously approved.

**(12) Interview of applicant Eric Smith for appointment to the Jefferson County Planning Commission.**

Ms. Morgan nominated applicant Eric Smith for appointment to the Jefferson County Planning Commission. Ms. Noland nominated applicant Ed Burns for appointment to the Jefferson County Planning Commission. A vote was taken. Eric Smith was approved for appointment 3 to 2 with Ms. Widmyer, Ms. Morgan and Mr. Surkamp voting "yes". Ms. Noland and Mr. Manuel voted for applicant Ed Burns.

**Commission took a 5-minute break.**

**(13) Tim Boyde Salary Adjustment Discussion – Work Session #2.**

**Motion by Ms. Noland for an Executive Session.** Motion seconded by Ms. Morgan and unanimously approved.

Regular meeting reconvened and Mr. Boyde presented his request for salary adjustments for employees in accordance with the proposed salary schedule.

Motion by Ms. Noland to accept the salary schedule as recommended by the County Administrator, Mr. Boyde. Motion seconded by Mr. Manuel.

Mr. Surkamp moved that the motion be amended to state that for all succeeding electeds these are job classifications that are approved by the County Commission and recommended to electeds. No second on the motion.

The motion by Ms. Noland, seconded by Mr. Manuel to accept the salary schedule as recommended by the County Administrator, Mr. Boyde was unanimously approved.

Mr. Boyde requested approval for proposed salary adjustments for 35 and 40 hour employees, employees not at minimum and those employees who have attained additional skills.

Motion by Ms. Noland to approve the proposed salary adjustments that are being recommended by the County Administrator, Mr. Boyde, with the additional monies coming from the insurance fund. Motion seconded by Mr. Manuel and approved 4 to 1, with Mr. Surkamp voting "no."

Motion by Mr. Manuel to adjourn the meeting, seconded by Mr. Widmyer and unanimously approved. Meeting was adjourned.

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

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LYN WIDMYER, PRESIDENT