

Minutes

Jefferson County Commission

Thursday, December 2, 2010

A meeting of the Jefferson County Commission was held on Thursday, December 2, 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 December 2, 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 Ms. Morgan to approve the minutes of the November 18, 2010 meeting as amended. Motion seconded by Ms. Noland and unanimously approved as amended. (An audio tape of the November 18, 2010 meeting is available through the Jefferson County Commission Office.)

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Noland to approve Purchase Orders in the amount of \$94,095.47 being purchase order numbers: 48659, 48660, 45557, 49140, 49141, 49167, 49168, 49081, 49084, 49085, 49086, 49087, 48905, 48906, 48908, 48909, 49164, 48601, 48602 and 49082. Motion seconded by Ms. Noland and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Mr. Manuel to approve \$191,644.40 in accounts payable. Motion seconded by Ms. Noland and unanimously approved.

PUBLIC COMMENT

Paul Rosa : (1) urged the Commission to set a date for a public hearing on the proposed Wireless Telecommunications Ordinance as soon as possible in January 2011, and (2) as a member of the Harpers Ferry Conservancy Mr. Rosa made a request that the Commission approve the easements to be presented today for approval by Mr. Peter Fricke of the Farmland Protection Board.

COUNTY ADMINISTRATOR REPORTS

County Administrator Tim Boyde:

- (1) Reported that he has received emails regarding the meeting on Blue Ridge Mountain on December 7, 2010. He responded that this meeting is only for the presentation to the public of the "Common Vision" report. No action will be taken at this meeting and it is open to public comment.
- (2) Reported that he received a letter from the West Virginia Association of Counties suggesting language that could be sent to Senators by the Commission to assist in the defeat of legislation which would require mandatory collective bargaining for all employees. This will be placed on the December 9, 2010 Commission Agenda for discussion.
- (3) Reported that the proposed P-Card Policy was presented to Department Heads, however further discussion will be tabled until the end of this year.
- (4) Attended a meeting with the City Managers of Shepherdstown and Charles Town to discuss the Chesapeake Bay initiative and other matters.
- (5) Reminded the Commission that Tony Truax of the Delta Development Group is scheduled to discuss progress on the Jefferson County Emergency Services 5-Year Strategic Plan at 1:30 p.m. this date.
- (6) Mr. Boyde presented a plaque from the Jefferson County Free Clinic honoring the Jefferson County Commission for its ten years of support.

COUNTY COMMISSION REPORTS:

Commissioner Frances Morgan:

- (1) Attended the County Commission Association meeting and Legislative Briefing on November 29, 2010 in the Jefferson County Commission Meeting Room in the Old Charles Town Library.

Commissioner James Surkamp:

- (1) Attended the public hearing in Ranson regarding JUI Utilities' proposed rate hike.

Commissioner Dale Manuel:

- (1) Attended the County Commission Association meeting and Legislative Briefing on November 29, 2010 in the Jefferson County Commission Meeting Room in the Old Charles Town Library.
- (2) Attended the tasting at the new Final Cut Steak House at the Hollywood Casino on December 1, 2010.
- (3) Attended the Partnership for Affordable Housing meeting on December 1, 2010.

Commissioner Patricia Noland:

- (1) Attended the County Commission Association meeting and Legislative Briefing on November 29, 2010 in the Jefferson County Commission Meeting Room in the Old Charles Town Library

Commissioner Lyn Widmyer:

- (1) Attended a dinner at the Jefferson County Free Clinic. The Jefferson County Commission received an award for its ten years of support.
- (2) Attended a Solid Waste Management Authority meeting.
- (3) Attended the Chesapeake Bay Compliance Strategy Workshop. Senator Herb Snyder was the keynote speaker.
- (4) On December 1, 2010 attended a Health Impact Assessment held in Shepherdstown regarding trail studies.

PRESENTATIONS:

1. **Peter Fricke of the Jefferson County Farmland Protection Board** requested the approval of deeds for Farmland Conservation Easements for the following:

- Jack L. Burch, Sr.
- William A. Knighten and Dixie L. Knighten
- Scott I. Morgan and Sondra J. Morgan
- John M. Restaino and F. Mark Schiavone
- Laurie L. Scott
- Twin Ridge Orchard Company, Inc.
- Walter Walls, Tammy P. Walls and Ray E. Walls

Commissioner Morgan requested that the easement for Scott I. Morgan and Sondra J. Morgan be considered last and, being a relative of Scott Morgan, she recused herself from any discussion of the Morgan deed.

Motion by Ms. Morgan to approve the easements for:

- Jack L. Burch, Sr.
- William A. Knighten and Dixie L. Knighten
- John M. Restaino and F. Mark Schiavone
- Laurie L. Scott
- Twin Ridge Orchard Company, Inc.
- Walter Walls, Tammy P. Walls and Ray E. Walls

Motion seconded by Mr. Surkamp and unanimously approved.

Motion by Mr. Manuel to approve the easement for Scott I. Morgan and Sondra J. Morgan subject to review by the Planning staff. Motion seconded by Mr. Surkamp and unanimously approved with the exception of Ms. Morgan who recused herself previously.

The Commission took a five minute break at 10:20 a.m.

- 2. Stephanie Grove, Assistant Prosecuting Attorney,** provided a short update on legal matters and requested an Executive Session .

Mr. Surkamp made a motion that the Commission go into Executive Session per request of legal counsel, Stephanie Grove. Ms. Noland seconded the motion and it was unanimously approved.

The Commission commenced an Executive Session.

The Commission exited the Executive Session.

- 3. Jennifer Maghan, County Clerk** suggested that a portion of the transfer taxes generated by the Farmland Protection Board be allocated to the County Clerk's Office in order to keep the money in the County. She also inquired as to when the budget hearings would be held by the Commission. Mr. Boyde responded that an overview of the budget would be presented at the next meeting on December 9, 2010, but that specific items would be considered after January 1, 2011.

Ms. Maghan commented on possible voting precinct changes.

- 4. John Allen, Chairman of the Courthouse Committee** introduced architect **David Kemnitzer** who provided a Power Point presentation of his Historic Structures Report on the courthouse building and outlined restoration work that needed to be done to the bell tower and roof of the building.

Motion by Mr. Surkamp to approve the study by Mr. Kemnitzer and the Courthouse Committee and to pursue his recommendations in a prioritized manner within budget constraints. Mr. Manuel seconded the motion and it was unanimously approved.

- 5. Roger Goodwin, Chief Engineer and Rebecca Burns, Office Manager,** presented a request by the developer of Thorn Hill Subdivision, Lots 1 – 179 to toll the construction bond agreement for a period of four years. The property has been sold at a Sheriff's Tax Sale. Mason Carter of the Engineering Department explained the auction of the property for unpaid taxes totaling \$37,904.11. Attorney David Hammer expressed concern regarding the legality of tolling the construction bond on this property currently held by the State.

Mr. Manuel moved to table the matter to a time certain next week to allow legal counsel to research the ramifications of the tax sale on the property as concerns approval by the

Commission of tolling the construction bond. Mr. Surkamp seconded the motion and it was unanimously approved.

6. **Mark Schiavone, Director of Capital Planning and Management** requested a modification of the FY2010 CIP for the Independent Fire Company. Mr. Schiavone requested the allocation be raised to \$89,000.00 to enable the fire company to purchase an emergency generator at a cost of \$65,000.00.

Mr. Surkamp made a motion to approve the increase in allocation to the Independent Fire Company to \$89,000.00 to enable the fire company to purchase an emergency generator at a cost of \$65,000.00. Mr. Manuel seconded the motion and it was unanimously approved.

Mr. Schiavone made a request that the Commission approve the modification of Revision 002 to the Coal Severance Fund (Fund 002).

Motion by Mr. Manuel to approve the modification of Revision 002 to the Coal Severance Fund as presented. Motion seconded by Mr. Noland and unanimously approved.

The Commission broke at 12:15 p.m. for lunch.

The Commission reconvened at 1:30 p.m. Commissioner Surkamp was not present for the afternoon session.

Commissioner Widmyer read a letter from the West Virginia Culture Division designating Jefferson County as a certified arts community.

7. **Troy Truax of Delta Development Group, Inc.** reported on the progress of Jefferson County Emergency Services' proposed 5-Year Strategic Plan.
8. **Tim Boyde** reported that the date chosen by the Commission to hold a Public Hearing regarding the Proposed Wireless Telecommunications Facilities Ordinance Draft is January 20, 2011.
9. **Mr. Boyde** reported that Roger Ritchie's request to use the Commission Meeting Room on December 21, 2010 is tabled until next week to allow time to gather more information on Mr. Ritchie's organization.
10. Motion by Ms. Noland to approve the Jefferson County Commission Holiday Schedule 2011 as submitted. Motion seconded by Ms. Morgan and unanimously approved.

JEFFERSON COUNTY COMMISSION HOLIDAY SCHEDULE 2011

NEW YEAR'S DAY	FRIDAY, JANUARY 1, 2011
MARTIN LUTHER KING'S BIRTHDAY	MONDAY, JANUARY 17, 2011
PRESIDENT'S DAY	MONDAY, FEBRUARY 21, 2011
MEMORIAL DAY	MONDAY, MAY 30, 2011
WEST VIRGINIA DAY	MONDAY, JUNE 20, 2011
INDEPENDENCE DAY	MONDAY, JULY 4, 2011
LABOR DAY	MONDAY, SEPTEMBER 5, 2011
COLUMBUS DAY	MONDAY, OCTOBER 10, 2011
VETERAN'S DAY	FRIDAY, NOVEMBER 11, 2011
THANKSGIVING	THURSDAY, NOVEMBER 24, 2011 FRIDAY, NOVEMBER 25, 2011
CHRISTMAS	MONDAY, DECEMBER 26, 2011

IN ADDITION TO THE DAYS LISTED ABOVE, THE COMMISSION WILL OBSERVE AS HOLIDAYS, ANY NATIONAL, STATE OR OTHER ELECTION DAY THROUGHOUT THE COUNTY, AND ALL DAYS WHICH MAY BE APPOINTED OR RECOMMENDED BY THE GOVERNOR, OF THIS STATE, OR THE PRESIDENT OF THE UNITED STATES, AS DAYS OF THANKSGIVING, OR FOR THE GENERAL CESSATION OF BUSINESS, ANY DAY OR PART THEREOF DESIGNATED BY THE GOVERNOR AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE, FOR STATE EMPLOYEES STATEWIDE MAY ALSO BE TIME OFF FOR COUNTY EMPLOYEES IF THE COUNTY COMMISSION ELECTS TO DESIGNATE THE DAY OR PART THEREOF AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE FOR COUNTY EMPLOYEES. ANY ENTIRE OR PART STATE WIDE DAY OFF DESIGNATED BY THE GOVERNOR MAY, FOR ALL COURTS, BE TREATED AS IF IT WERE A LEGAL HOLIDAY, AS PROVIDE FOR IN 2-2-1 OF THE WEST VIRGINIA CODE, AS AMENDED.

DATE: 12/2/10

_____/s/_____
PRESIDENT
JEFFERSON COUNTY COMMISSION

- 11.** Motion by Ms. Noland to approve January 6, 2011 at 9:30 a.m. as the date and time for the first meeting of the Jefferson County Commission in 2011. Motion seconded by Ms. Morgan and unanimously approved.
- 12.** **Ms. Noland** presented her proposed scoring program to be used for agencies that request funding from the County Commission. Commissioners suggested several amendments to the program as proposed.

Ms. Morgan made a motion to adopt Ms. Noland's proposed scoring program as amended. Ms. Noland suggested that the Commissioners carefully review the program and place it on the agenda to revisit at the meeting next week. It was agreed that the proposed scoring program would be placed on the Agenda for discussion and action next week. Ms. Morgan withdrew her motion.

Ms. Morgan made a motion to adjourn. Mr. Manuel seconded the motion and the meeting was adjourned at 3:00 p.m.

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

LYN WIDMYER, PRESIDENT