

Minutes

Jefferson County Commission

Thursday, January 6, 2010

A meeting of the Jefferson County Commission was held on Thursday, January 6, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Lyn Widmyer, Patsy Noland, Dale Manuel, Frances Morgan and Walter Pellish; Tim Boyde, County Administrator and Debbie Stellato, Administrative Assistant. (An audio tape of this January 6, 2011 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

Following the Pledge of Allegiance Lyn Widmyer, on behalf of the Commission, presented former Commissioner Jim Surkamp with a plaque honoring his excellent service while on the Commission and his dedication to the residents of Jefferson County.

COUNTY COMMISSION ORGANIZATION 2011

a. Selection of President -

Mr. Manuel nominated Patricia Noland for President of the Jefferson County Commission to serve during the 2011 calendar year. By unanimous consent of the Commissioners, Ms. Noland was selected as President.

b. Selection of Vice President –

Ms. Widmyer nominated Frances Morgan for Vice President of the Jefferson County Commission to serve during the 2011 calendar year. Ms. Noland nominated Dale Manuel for Vice President. By a vote of 3 -2 Mr. Manuel was selected as Vice President. Ms. Widmyer and Ms. Morgan voted “no.”

c. Committee Assignments – See Next Page

**Assignment to Boards, Commissions & Organizations
Calendar Year 2011**

<i>Organization</i>	<i>Commissioner</i>
Affordable Housing	Noland/Manuel
Air Quality Control Board	Widmyer
Approval of Bills	Morgan/Pellish
Board of Health	Morgan
Building Repair	Manuel
Community Corrections Committee	Morgan/Manuel
Court House Committee	Noland
Development Authority	Pellish
E-911 Council	Manuel
Extension Service	Noland
Farmers Market Committee	Noland/Manuel
Farmland Preservation Board	Morgan/Pellish (Alt.)
Jefferson County Convention & Visitors Bureau	Noland/Pellish (Alt.)
Jefferson County Emergency Services Agency	Manuel
Historic Landmarks Commission	Morgan
Homeland Security	Manuel
Legislative Liaison	Noland/Manuel
Local Emergency Planning Committee	Manuel
Mental Health Center	Prosecuting Attorney
MPO Interstate Council	Widmyer
Parks and Recreation	Manuel/Widmyer
Planning Commission	Pellish
Public Service District Liaison	Widmyer/Noland
Region 9	Widmyer
Solid Waste Authority	Widmyer
Water Advisory Committee	Widmyer/Manuel
Workforce Investment Act Liaison	Morgan

APPROVAL OF PURCHASE ORDERS:

Motion by Ms. Morgan to approve Purchase Orders in the amended amount of \$187,992.41 (which amount includes \$56,202.00 to Hagerstown Ford for two police vehicles not on this Purchase Order List) being purchase order numbers: 49171, 48300, 48664, 48665, 48668, 49146, 49147, 49301, 47687, 49332, 49220, 48893, 49093, 49170, 49213, 49216, 49217, 49218, 49221, 49222, 49223, 48944, 48911, 48912, 48913, 49214, 48915, 48606, 49215 . Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the December 23, 2010 accounts payable in the amount of \$211,075.47. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve the January 6, 2011 accounts payable in the amount of \$936,742.82. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Laura Rattenni, Circuit Clerk, reported that she hired a temporary, part-time bookkeeper to assist in the Circuit Clerk's Office and asked for the Commission's approval. Motion was made by Ms. Widmyer to approve the hire by the Circuit Clerk of a temporary, part-time bookkeeper. Motion was seconded by Mr. Manuel and unanimously approved.

Ed Burns of the IT Advisory Committee suggested that the Commission post on the Jefferson County Commission website a list of all the County committees and committee members for the convenience of the public.

PRESENTATIONS:

1. **Stephanie Grove, Assistant County Prosecutor**, presented an update on legal work in progress and completed for the County since the last Commission meeting on December 16, 2010.

Ms. Grove introduced Kimberly D. Crockett, Assistant Prosecuting Attorney, as a new hire in the Prosecuting Attorney's Office and requested the Commission's approval.

Motion by Mr. Manuel to approve the hiring of Kimberly D. Crockett as an Assistant Prosecuting Attorney in the Prosecuting Attorney's Office. Motion seconded by Ms. Widmyer and unanimously approved.

2. **Jennifer Brockman, Director of Planning and Zoning**, requested that the Commission approve the Final Draft Zoning Map Update Process Policy and Draft Zoning Map recently completed in conjunction with the GIS/Addressing Department. Ms. Brockman also requested that the Commission authorize the Commission President to sign and certify the December 2010 Final Draft Zoning Map for recordation at the County Clerk's Office pursuant to WV Code §8A.

Motion by Ms. Widmyer to approve the Final Draft Zoning Map Update Process Policy as recommended by the Jefferson County Planning Commission on December 21, 2010. Motion seconded by Mr. Manuel and unanimously approved...

Motion by Ms. Morgan to authorize the President of the Jefferson County Commission to sign and certify the December 2010 Final Draft Zoning Map for recordation at the County Clerk's office per WV Code §8A. Motion seconded by Mr. Manuel and unanimously approved.

3. **Pete Kelley, President of the Jefferson County Emergency Services Agency** requested additional funding for the organization's daily operations in 2011. **Ms. Marty Freeman** presented a financial analysis of the JCESA and explained its need for additional funding. Mr. Boyde reported that the actual amount needed by JCESA is \$107,649.00 and that the allocation could be achieved by deducting \$60,749.00 from the Jefferson County unencumbered fund and the remainder from the County's Coal Severance Fund.

Motion by Mr. Manuel to approve the \$107,649.00 allocation to the JSESA and to follow Mr. Boyde's recommendation to take \$60,749.00 from the Jefferson County unencumbered fund and the remainder from the County's Coal Severance Fund. Motion seconded by Ms. Widmyer and unanimously approved.

4. **Roger Goodwin, Chief County Engineer**, made several requests:

- Requested the Commission authorize the complete release of the remaining \$93,064.00 construction bond amount for Kevin L. Steeley – DALB, Inc. (File #S09-05).

Motion by Mr. Manuel to approve the complete release of the remaining \$93,064.00 construction bond amount for Kevin L. Steeley – DALB, Inc. (File #S09-05). Motion seconded by Mr. Pellish and unanimously approved.

- Requested the Commission and Staff to accept and execute the Tolling of Bonding Agreement with the developer of the Harvest Hills Subdivision, Section 1, Phase 1, Lots A, B & Lots 28-50 & Residue. (File #01-42).

Motion by Mr. Manuel to approve and authorize the President of the Jefferson County Commission to execute the Tolling of Bonding Agreement tolling the \$1,752,605.00 Harvest Hills bond and require the developer to submit a surety in the amount of \$10,000.00 as per the terms of the Agreement, Motion seconded by Mr. Pellish and approved 4 – 1. Ms. Morgan voted "no."

- Requested authorization to prepare the necessary documents to call the Irrevocable Letters of Credit which have not been received from various banks by the County by January 10, 2011.

Motion by Ms. Morgan to authorize Staff to prepare the necessary documents and call all of the banks listed in the Engineering Department's Memorandum to the Commission with the exception of Pleasant Hills Subdivision, BB&T Bank, by the January 15, 2011 expiration date. Motion seconded by Mr. Manuel and unanimously approved.

- Requested a complete release of \$40,050.00 from the construction bond amount for County Green, LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue. (File #07-22).

Motion by Ms. Morgan to approve the complete release of \$40,050.00 from the construction bond amount for County Green, LLC – The Woods at Wheatland Subdivision, Lots 1-7 & Residue. (File #07-22). Motion seconded by Ms. Widmyer and unanimously approved.

- Request by Mike Cassell, Esquire, to reduce the construction bond from \$40,050.00 down to \$7,360.00, plus a 15% contingency amount of the gross portion of the bond.

Motion by Mr. Manuel to deny the reduction of the construction bond from \$40,050.00 to \$7,360.00 with a 15% contingency amount of the gross portion of the bond pursuant to Staff's recommendation. Motion seconded by Ms. Morgan and unanimously approved.

The Commission took at 10-minute break at 11:17 a.m.

The Commission reconvened at 11:26 a.m.

5. Barbara Miller, Director of Homeland Security and Emergency Management requested:

- (1) That the Commission approve the Memorandum of Understanding with Hollywood Casino at Charles Town Races;
- (2) That the Commission approve the following persons to serve on the Jefferson County Homeland Security and Emergency Management Steering Committee for a period of 2 years: Pamela Holstein-Wallace (representing WV Region 3 Homeland Security); Holly Morgan-Frye (representing Education-Shepherd University); Jefferson County Sheriff, Bobby Shirley (representing Law Enforcement); Mason Carter (representing Engineering/Zoning); Kelly Parsons (representing Private Industry); and Amy Jones (representing Health);
- (3) Requested an Executive Session with regard to sensitive information.
- (4) Ms. Miller offered a presentation on a preparedness campaign developed by FEMA called "Don't Drop the Ball, Resolve to Be Ready in 2011."

Motion by Ms. Morgan to approve the Memorandum of Understanding with the Hollywood Casino at Charles Town Races. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to approve individuals to serve on the Jefferson County Homeland Security and Emergency Management Steering Committee for a period of 2 years as recommended by Ms. Miller. Motion seconded by Ms. Widmyer and unanimously approved.

6. Sheriff Bobby Shirley requested that the Commission approve the appointments of Stacey Michelle Morgan and Monica Lynn Megonigal to the Jefferson County Deputy Reserve Program.

Motion by Ms. Morgan to approve the appointments of Stacey Michelle Morgan and Monica Lynn Megonigal to the Jefferson County Deputy Reserve Program. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to enter into an Executive Session pursuant to the request of Barbara Miller and by authority of WV Code §6-9A-4. Motion seconded by Mr. Manuel and unanimously approved. The Commission entered into an Executive Session at 11:38 a.m.

Motion by Ms. Morgan to resume the Commission's regular session. Motion seconded by Mr. Manuel and unanimously approved. The Commission resumed its regular session at 11:47 a.m.

7. Request to approve the Resolutions, Agreements and Contracts of the Community Participation Grant Program as follows:
- Jefferson County Coalition on Substance Abuse - \$6,500.00.
 - Jefferson County Coalition on Substance Abuse - \$2,000.00
 - Literacy Volunteers of the Eastern Panhandle - \$1,500.00

Motion by Mr. Manuel to approve all three (3) of the Resolutions, Agreements and Contracts of the Community Participation Grant Program and to authorize the President of the Jefferson County Commission to sign same on behalf of the Commission. Motion seconded by Mr. Pellish and unanimously approved.

**JEFFERSON COUNTY COMMISSION
CHARLES TOWN, WV
*RESOLUTION***

The County Commission of Jefferson County, met on January 6, 2011 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Jefferson County Coalition on Substance Abuse to enclose a covered carport adjacent to the Boys and Girls Club with funds made available through the Governor's Community Participation Grant program in the amount of \$6,500.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____
COUNTY CLERK
10LEDA0590

JEFFERSON COUNTY COMMISSION
CHARLES TOWN, WV
RESOLUTION

The County Commission of Jefferson County, met on January 6, 2011 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Jefferson County Coalition on Substance Abuse to enclose a covered carport adjacent to the Boys and Girls Club with funds made available through the Governor's Community Participation Grant program in the amount of \$2,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____
COUNTY CLERK
10LEDA0505

JEFFERSON COUNTY COMMISSION
CHARLES TOWN, WV
RESOLUTION

The County Commission of Jefferson County, met on January 6, 2011 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Jefferson County Literacy Volunteers of the Eastern Panhandle to purchase educational materials with funds made available through the Governor's Community Participation Grant program in the amount of \$1,500.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____
COUNTY CLERK
10LEDA0621

8. Request to approve Board of Review and Equalization Notice listing the dates of BORE hearings in February 2011.

Motion by Mr. Manuel to approve the Board of Review and Equalization Notice and the dates listed for public hearings. Motion seconded by Ms. Morgan and unanimously approved.

NOTICE
Board of Review and Equalization

The County Commission of Jefferson County will convene as a Board of Review and Equalization in the County Commission Courtroom at the Courthouse of said County on Tuesday, February 1, 2011, at 1:30 p.m., for the purpose of reviewing and equalizing assessments returned by the Assessor of Jefferson County for the year 2011.

The Commission will continue to sit as a Board of Review and Equalization on Thursday, February 3rd, 2011, at 1:30 p.m., Tuesday, February 8, 2011, at 1:30 p.m., Thursday, February 10th, 2011, at 1:30 p.m., and thereafter, until all questions concerning assessments are heard.

Persons wishing to appear before the Commission must apply to the Assessor no later than Friday, February 11th, 2011, at noon, in order to complete the proper forms and to schedule a hearing date prior to the final date of Tuesday, February 15th, 2011.

Given under my hand this 6th day of January, 2011.

/s/ _____
JENNIFER MAGHAN, COUNTY CLERK
JEFFERSON COUNTY COMMISSION

9. Request to appoint a liaison from the Jefferson County Commission to the IT Advisory Committee.

It was the unanimous consent of the Commissioners to appoint Commissioner Pellish to the IT Advisory Committee. Mr. Pellish will serve as liaison from the Commission to the IT Advisory Committee.

Ed Burns, a member of the IT Advisory Committee, commented on his goals for the Committee and Jefferson County.

Commissioner Morgan left the meeting at 12:00 p.m.

COUNTY ADMINISTRATOR REPORTS

1. **Tim Boyde** reported on a report from the Jefferson County Judicial Complex Coup Committee previously distributed to the Commissioners for review.
2. Reported that he met with Department Heads and distributed their budget recommendations. Mr. Boyde prepared a memorandum which he would like to distribute to the Department Heads and requested that the Commissioners review the draft memorandum and advise him of any recommended revisions.

Mr. Boyde discussed his draft policies for Workers' Compensation and Overtime Pay with the Department Heads and forwarded the policies to the Electeds for their review.

3. Reported that he received a letter from the Morgan County Commission seeking support for the placement of a Department of Motor Vehicles in Morgan County.

Motion by Mr. Manuel to draft a letter of support to locate a DMV in Morgan County and forward the letter to the West Virginia Governor's Office with a copy to the Department of Motor Vehicles in Charleston. Ms. Widmyer seconded the motion and it was unanimously approved.

4. Advised the Commission that the report from Global Data is expected to be received within the next two weeks.
5. Reported that a letter of support for keeping the Millville Post Office open was sent to our West Virginia Legislators and the U.S. Postal Service.

COUNTY COMMISSION REPORTS

Commissioner Widmyer:

Goals for the Commission for 2011:

1. Commented that she is very excited about plans for Rt. 340 and has asked Ms. Brockman for a schedule.
2. Ms. Widmyer would like to see more efficiency with IT matters.
3. Would like to implement a performance-based budget for FY12.

Commissioner Manuel:

1. Attended a Jefferson County Emergency Services meeting.
2. Attended a year-round Farmer's Market meeting.
3. Attended an Affordable Housing Committee meeting. Ms. Noland was elected Chairman.

Goals for the Commission for 2011:

1. Would like to see the Commission have better access to the public through cable TV and webcasts.

2. With regard to the budget, Mr. Manuel would like to be able to meet the needs and obligations of all the elected. He would like to meet the needs for capital projects and work with Parks and Recreation Department to develop the Hite Road site.

Commissioner Pellish:

Goals for the Commission for 2011:

1. Mr. Pellish would like to work closely with the Jefferson County Commission towards making Jefferson County a better county.
2. Mr. Pellish would like to improve communications between the Jefferson County Commission and the employees of Jefferson County. He would like to see the Commission be a little less formal and more accessible to the county employees. Possibly start a "Lunch with the County Commissioners" program.
3. He would like to see each Commissioner work with Mr. Boyde and an individual department when building a budget so as to make the Commission more knowledgeable about the workings of the different county departments.
4. He would like to have a financial organization with a Chief Financial Officer.
5. Mr. Pellish would like to work on economic development and educate the public as to what "economic development" really means. He believes a good portion of the public is confused. He would like to get the Planning Commission involved in the education process.
6. He would like to reduce the number of regular Commission meetings, their length and eliminate some agenda items that could possibly be handled in a different manner.

Commissioner Noland:

Goals for the Commission for 2011:

1. Would like the Commissioners' reports to be in writing and made a part of the Agenda.
2. With regard to the budget, Ms. Noland would like to discourage budget cuts only to have to replace the monies that were cut at a future date. She would like to fund less agencies.
3. Ms. Noland would like to take a good look at the County's finances and hire a Chief Financial Officer who would be under the authority of the County Commission, except for the Sheriff's finances.
4. She would like to see the Hite Road project go forward.
5. She would like to look into the West Virginia Community Foundation.

Motion by Mr. Pellish to adjourn the meeting. Motion seconded by Mr. Manuel and the meeting was adjourned at 12:36 p.m.

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

PATRICIA NOLAND, PRESIDENT

