

Minutes

Jefferson County Commission

Thursday, February 24, 2011

A meeting of the Jefferson County Commission was held on Thursday, February 24, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patsy Noland, Lyn Widmyer, Dale Manuel, Frances Morgan and Walt Pellish; Tim Boyde, County Administrator and Debbie Stellato, Administrative Assistant. (An audio tape of this February 24, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 9:30 a.m. by Commissioner Noland.

PLEDGE OF ALLEGIANCE

Commissioner Morgan led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the February 15, 2011 Board of Review and Equalization afternoon session meeting Minutes as presented. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the February 17, 2011 regular meeting of the Jefferson County Commission as presented. Motion seconded by Ms. Widmyer and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the Public Hearing held on February 17, 2011 as presented. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$3,457.22, being purchase order numbers: 49305, 49306, 48896, 49289, 49293, along with the addition of two purchase orders received via fax by Mr. Boyde from the Sheriff's Office in the amounts of \$5,200.00 for the Town Gunshop and Sig Arms in Lewiston, Maine for \$9,744.00, for a Purchase Order total of \$18,391.00. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Motion by Ms. Widmyer to combine Item #2 "Discuss Water Advisory Committee (WP)" and Item #15 "Water Advisory Committee Work Session" and discuss them at the same time at 1:30 p.m. Motion seconded by Ms. Morgan. Motion denied by a vote of 3 to 2 with Mr. Manuel, Ms. Noland and Mr. Pellish voting "no."

APPROVAL OF ACCOUNTS PAYABLE

Motion by Mr. Manuel to approve the accounts payable in the amount of \$287,165.67. Motion seconded by Ms. Morgan and unanimously approved.

Pursuant to Mr. Manuel's request, unanimous consent by the Commissioners to allow Thomas Bayuzik of the Economic Development Authority to speak out of order (Agenda Item #13) regarding the matter of the \$200,000.00 loan to the Development Authority by the Jefferson County Commission.

Mr. Bayuzik stated that he had spoken to the former County Administrator David Ash and inquired as to his knowledge, if any, of the circumstances surrounding the subject \$200,000.00 loan. Mr. Bayuzik will provide the Commission with a written summary of everything done to date to locate details of the loan to be considered with the proposed Joint Resolution.

PRESENTATIONS:

1. **Kirk Davis, Capital Projects Manager**, presented an update on the Blunt property pursuant to a request from Commissioner Pellish. There followed a discussion by the Commissioners for clarification purposes regarding grant funding for the Cement Mill property.

Motion by Mr. Pellish that the President of the County Commission draft a letter to the owners of the Blunt property stating that the Jefferson County Commission no longer has an interest in the property and request that our name be taken off the list. Motion seconded by Ms. Noland.

Ms. Widmyer advised that the Commission needs to refer to past Minutes and find out exactly when the Commission first decided to pursue negotiations for the purchase of the Blunt property.

Mr. Manuel made a subsidiary motion to postpone this discussion until all information is brought forth and is available and on the table. Motion seconded by Ms. Morgan for purposes of discussion. Ms. Noland ruled that Mr. Manuel's subsidiary motion is out of order because it was not seconded.

Mr. Pellish again made the motion that the President of the County Commission draft a letter to the owners of the Blunt property stating that the Jefferson County Commission no longer has an interest in the property and request that our name be taken off the list. Motion was seconded by Ms. Noland.

Ms. Widmyer commented that she is concerned about the transparency of the way things are going and stated that this was not properly for the public.

Mr. Manuel made a subsidiary motion to postpone any action on the motion until the Commission can gather all of the information, including that from the Department of the Interior, and also determine where the \$250,000.00 is now in the grant process. Motion seconded by Ms. Morgan, commenting that she hopes that the public will be noticed regarding action on the two grants and the Memorandum of Understanding.

Mr. Davis reminded the Commission that the proposal by the owners of the Blunt property will be withdrawn on June 15, 2011 if not accepted, and the bond is scheduled to terminate on June 30, 2011.

Mr. Pellish made a closing comment. He stated that he saw a liability and wanted to bring it to the attention of the Commission. Mr. Pellish explained that he does want to follow every proper procedure, however, his concern is that there is \$100,000.00 of County money sitting out there and the Blunts' attorneys could come back to the Commission and state that "we have a deal."

Mr. Manuel's subsidiary motion was voted on and was unanimously approved postponing any immediate action.

2. **Water Advisory Committee Discussion** - Mr. Pellish requested the discussion because:
 - ✓ He believes the WAC has gone too far and is doing projects that are not in its realm. He further believes that the WAC has been functioning on its own without the sanction of the Jefferson County Commission.
 - ✓ He would like to be apprised of the makeup of the WAC group.
 - ✓ He believes that some members of WAC want to be activists rather than functioning under the direction of the Commission.

Ms. Noland inquired of the WAC members in the audience if there were any who could not return to the meeting at 1:30 p.m. for a discussion. Victoria Eckert, recently appointed to the WAC, could not come back at 1:30 p.m. and was given permission by the Commission to speak at this time.

3. **Toni Milbourne and Bill Roper (in place of Jimmy Pierson)** provided an update on the financial situation thus far with regard to raising money for a fireworks event this summer. They advised that they had received commitments from the City of Charles Town for \$2,000.00, the City of Ranson for \$2,000.00, and \$1,500.00 of the \$2,000.00 commitment from Bolivar that had been requested. At the time of this meeting, Ms. Milbourne and Mr. Roper had not received an answer from Shepherdstown or Harpers Ferry. They estimated that they had \$4,000.00 to \$5,000.00 cash in hand at present. Ms. Milbourne and Mr. Roper again requested the Commission contribute \$8,000.00 toward the downpayment for the fireworks.

Mr. Pellish made a motion that the Commission totally support this event and contribute the \$8,000.00 requested. Motion seconded by Ms. Widmyer.

Ms. Morgan commented that she was in hopes that next year and every year thereafter this would be a Parks & Recreation line item.

Mr. Boyde informed the Commission that the \$8,000.00 would be taken out of the General Fund – Unencumbered Fund and would not create any undue burden on the operation of County Government.

A vote was taken on Mr. Pellish's motion to contribute the \$8,000.00 and was unanimously approved.

4. **Teresa Warnick and Sarah Gabrielson** introduced the Family Resource Network for Teen Court Project to the Commission. Ms. Warnick and Ms. Gabrielson requested that the Commission adopt a mandatory fee of \$5.00 to be assessed on felonies, misdemeanors and local ordinances, traffic violations and moving violations, excluding parking ordinances, for the purpose of setting up a "Teen Court" program for youth offenders who qualify for the program.

Ms. Morgan looked favorably on the establishment of a Teen Court and made a motion that the Commission await further information on the program and receive a written business plan from the program creators. Motion seconded by Mr. Manuel and unanimously approved.

Mr. Manuel suggested that the Teen Court discussion could be placed on the Council of Government Agenda as well.

Mr. Boyde commented that he believes the Teen Court program is a very good and viable program. He has seen the program operation first hand in another state and was impressed.

The Commission took a 10-minute break at 10:55 a.m.

The Commission reconvened the meeting at 11:03 a.m.

5. **Michael Alvarez, Doug Pittenger, Dr. Athey and Paul Rosa** appeared before the Commission to request an allocation from the Commission of up to \$25,000.00 in matching funds to allow the consultant to assist with Public Funding Technical Assistance Grants as the first step to the Jefferson County Emergency Services Agency's Strategic Plan.

Motion by Mr. Manuel that JCESA be allowed to go to bid on the proposal that was explained to the Commission by Mr. Alvarez up to the \$25,000.00 amount requested. Motion seconded by Mr. Pellish and unanimously approved.

6. **Paul Marshall of Jefferson County Parks & Recreation** request for release of funds from the Parks & Recreation Land Fund to be used for engineering services to develop Hite Road Park. Zachary Lette, ASLA, of LPDA, Inc. presented the site plan to the Commissioners.

Motion by Mr. Pellish to approve the request for release of funds from the Parks & Recreation Land Fund to be used for engineering services to develop Hite Road Park. Motion seconded by Mr. Manuel.

Subsidiary motion by Mr. Manuel to move this item to next week's Agenda to allow the Commissioners time to review the documentation. Motion seconded by Ms. Morgan and unanimously approved.

7. **Stephanie Grove, Assistant Prosecuting Attorney** provided an update on pending County legal matters.

Ms. Noland stated that the Commission had been receiving numerous letters from consumers requesting the Commission to intervene in cases involving sewer and water fee increases. Ms. Grove advised that the West Virginia Public Service Commission has a Consumer Advocate Department that has intervened on behalf of consumers and has been victorious in many cases. Ms. Grove suggested that the Commission may want to refer these consumers to that Department for assistance.

Motion by Mr. Pellish concerning consumers requesting the Jefferson County Commission to intervene with regard to sewer and water fee increases to refer the consumers to the West Virginia Public Service Commission Consumer Advocate Department for assistance. Motion seconded by Mr. Manuel.

Discussion followed and it was agreed by the Commissioners that the need for the County Commission to intervene requires further discussion and should be placed on the Commission Agenda in two weeks.

Mr. Pellish withdrew his motion to refer consumers to the West Virginia Public Service Commission. Mr. Manuel withdrew his second. The item will be placed on the March 10, 2011 Agenda for discussion.

NEW BUSINESS:

8. Legislative Update – Mr. Manuel:

- ✓ Advised that the Senate Finance Committee would be taking up the Chesapeake Bay Bill at 3:00 p.m. this date.
- ✓ The DEP is attempting to have its bill with regard to local control for Brownfields put back on the agenda.
- ✓ Reported on transfer tax issues.
- ✓ Reported that Senator Unger and others in the Senate have been working on obtaining partial parking for Hite Road.
- ✓ Reported on Senator Snyder's affordable housing bill for manufactured housing and gated senior communities which would provide relief from impact fees. Senator Snyder would like the Commission's input on his document.

The Commission directed Mark Schiavone, Director of Capital Planning and Management to analyze and report on the numbers to the Commission. He should do this analysis quickly and report on how much the bill might cost the county. The Commission would also like to receive a report from legal counsel, Stephanie Grove.

- ✓ Excess levies.

Legislative Update – Ms. Noland:

- ✓ Reported on TIF fees.

9. Discussion of Roundtable meeting dates and future topics.

Ms. Noland advised that she would like to wait to hold roundtable discussions until April 2011.

Ms. Widmyer would like to have the citizens join in the Roundtable discussions. Topics that could be discussed should include urban growth boundaries (annexation); funding of different agencies that had requested funding and the Teen Court program.

Ms. Morgan suggested that the first meeting could be scheduled for 5:00 p.m. on the last Wednesday of April, being April 27, 2011, and then every other month on the last Wednesday of the month through the end of the year.

The public would need to be notified utilizing the usual channels. Mr. Boyde will compile a list of topics for the agendas.

10. Discussion of the process being utilized for the County's allocation of funds and to establish a process for final approval prior to expenditure for all departments.

Ms. Noland requested clarification of the manner in which certain items that have been allocated for projects are approved for funding. She recommends that the County Commission have final approval of those expenditures. Ms. Noland is adamant that the present system needs to be changed. She believes it needs more oversight, i.e. budget, projects being bid out, utilizing local contractors when possible. She explained that this opens a whole wide range of need for oversight. Ms. Noland further stated that she is very uncomfortable about the way these matters are being handled and she insists that the process be changed.

Jennifer Maghan, County Clerk, addressed the matter of the process of issuing checks. She explained that the County Clerk, Sheriff's Office and County Commission are the oversight for these functions and they provides the checks and balances. She advised that if the oversight control were to be altered now that the additional control should be under the County Clerk's Office as it is stated in the County Code.

Motion by Ms. Noland to direct the County Administrator to research and report back to the Commission with a proposal as to how the Commission can improve the process of final approval for expenditures and allocation of funds. Ms. Morgan seconded the motion and it was unanimously approved.

11. Approval of County Employee Identification Card sponsored by the West Virginia Association of Counties and the West Virginia Department of Motor Vehicles.

The Commissioners gave their unanimous consent to County Employee Identification Cards sponsored by the West Virginia Association of Counties and the West Virginia Department of Motor Vehicles.

12. Ms. Morgan made a request to move Agenda Item #13 to next week's Agenda stating that it will take considerable time to discuss. The Commissioners gave their unanimous consent to the request and Item #13 will be placed on the March 3, 2011 Agenda for discussion.

The Commission broke for lunch at 12:45 p.m.

The Commission reconvened the meeting at 1:30 p.m.

13. Water Advisory Committee Work Session.

The members of the Water Advisory Committee introduced themselves and informed the Commission of their qualifications. Speakers were: Roger Ethier, Willis Nowell, Dick Lattrell, Bob Denton, Jane Arnett, Mary Sell, Dr. Oscar Stein, Mark Shields, Larry Johnson, Lee Snyder and Victoria Eckert.

Mr. Ethier offered a Power Point presentation of projects that WAC has worked on in the past and those on which it is currently working.

The Commissioners commented on the excellent qualifications of each of the members of the Water Advisory Committee and commended them for their good work.

Two members of the community spoke on behalf of the group:

Barbara Humes stated that she believed that WAC can be a strong advisory group to the Jefferson County Commission.

Elizabeth "Budge" Blake presented a brief background of WAC from its beginning under the chairmanship of Greg Corliss.

Ms. Widmyer inquired as to the next step. Ms. Noland suggested that WAC be brought back for discussions with the County Commission. Ms. Widmyer will attend the next WAC meeting and advise the Commission of a timeline.

The Commission took a short break at 2:53 p.m.

The Commission reconvened the meeting at 2:51 p.m.

14. Mark Schiavone, Capital Planning & Management presentation of FY 2012 Capital Improvement Plan.

Mr. Schiavone briefly explained the FY 2012 Capital Improvement Plan to the Commissioners.

Mr. Pellish suggested that the Plan be placed on the Commission Agenda in approximately two weeks to be discussed at that time. The Commissioners were in unanimous agreement and the Plan will be placed on the Agenda in approximately two weeks for discussion.

15. Impact Fee Work Session.

Discussion will include: 1) benefits of recalculation; 2) general fee trend; and 3) schools.

A date needs to be scheduled for a public hearing on impact fees based on housing type. The Commissioners suggested that the public be invited to speak on the same day as the workshop on impact fees is held. Law enforcement, Parks & Recreation and Fire and EMS should be included as well.

The Commission took a break at 3:53 p.m.

The Commission reconvened the meeting at 3:58 p.m.

16. Discussion of acquisition of property to address growing and immediate space needs of Jefferson County.

The Commissioners discussed whether there was a need and, if so, the procedures to be followed to acquire new working space for Jefferson County. Ms. Widmyer and Ms. Morgan expressed displeasure with proposed procedures for viewing and acquisition of real estate.

Mr. Manuel made a motion that the Commission enter into an Executive Session to consider purchasing property and to address the growing space needs of Jefferson County. Mr. Pellish seconded the motion. Ms. Morgan and Ms. Widmyer objected. **Motion carried and the Commission entered into Executive Session at 4:10 p.m.**

Motion by Mr. Pellish to terminate the Executive Session. Motion seconded by Mr. Manuel and unanimously approved. Ms. Morgan left during the Executive Session. **The Commission ended its Executive Session and reconvened the regular meeting at 4:52 p.m.**

Motion by Mr. Pellish that the Commission authorize Mr. Boyde, through appropriate real estate contacts, to begin the initial review for possibly purchasing three buildings for the County, along with advice from County legal staff. Motion seconded by Mr. Manuel. Ms. Widmyer objected. Motion approved by a vote of 3 to 1 with Ms. Widmyer voting "no." Ms. Morgan was not present.

Update by Mr. Manuel on legislation: Mr. Manuel advised that the Chesapeake Bay Bill passed by 100%. It now has to go to the House from the Senate.

Ms. Widmyer mentioned that she sent an email to Mr. Boyde suggesting a public hearing be held with regard to the budget and advised that a public hearing was held last year.

Ms. Noland suggested that if it was alright with the other Commissioners, the County Administrator's Report and the Commissioners' Reports would be skipped at this time due to the fact that the Commissioners and Administrator would be returning for a public hearing on the 4B Amendment to the Telecommunications Towers at 7:00 p.m. on this date. Unanimous agreement by the Commissioners.

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

The Commission will convene at 7:00 p.m. on this date to conduct a Public Hearing on Proposed Amendments to Article 4B, Wireless Telecommunication Facilities and Related Sections of the Jefferson County Zoning and Land Development Ordinance.

PATSY A. NOLAND, PRESIDENT

