

Minutes
Jefferson County Commission
Thursday, March 3, 2011

A meeting of the Jefferson County Commission was held on Thursday, March 3, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patsy Noland, Dale Manuel, Frances Morgan and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of this March 3, 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 Pellish led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the February 10, 2011 regular afternoon session of the Jefferson County Commission as presented. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the February 24, 2011 regular session meeting of the Jefferson County Commission as presented. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the Public Hearing held on February 24, 2011 as presented. Motion seconded by Ms. Noland and unanimously approved. Ms. Morgan and Mr. Pellish abstained from voting as they were not present at the public hearing.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$29,438.68, being purchase order numbers: 49340, 49339, 49337, 49341, 48683, 48685, 49307, 49308, 49282, 49298, 49101, 49102, 49299, 48107, 49294, 49297, 49441, 49442, 49388, 49440, 49512, 48609 and 49513. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$139,796.38. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Robin Huyett Thomas, current President of StopPATH West Virginia and local resident thanked the Commission for interceding in the matter on behalf of the citizens of Jefferson County.

Debbie Royalty of Charles Town, West Virginia thanked the Commission for interceding in the StopPATH matter on

behalf of the citizens of Jefferson County.

PRESENTATIONS:

1. Decision regarding the request for release of funds from the Parks & Recreation Land Fund for engineering services to develop Hite Road Park.

Motion by Mr. Pellish to release the requested funds from the Parks & Recreation Land Fund to be utilized for engineering services to develop Hite Road Park. Motion seconded by Mr. Manuel and unanimously approved.

The Commissioners expressed their thanks to the Parks & Recreation staff and to the stakeholders for all of their hard work in making the park a reality.

2. Al Britton, General Manager of Hollywood Casino at Charles Town Races, accompanied by Bill Hales, Assistant General Manager, provided the Commission with an update on various aspects of the Hollywood Casino since the introduction of table games on July 1, 2010.

Mr. Britton advised that since table games were added on July 1, 2010 the facility has experienced better-than-average growth leading to additional job creation and revenue. The casino has hired more than 600 new employees and 470 card dealers with approximately 65% of the new dealers coming from Jefferson and Berkeley counties. He informed the Commission that revenues from slots, table games and horse racing were up in the second quarter of 2010, discussed security in the casino charitable contributions and Hollywood Casino and Penn National Gaming, Inc.'s "good neighbor policy."

3. Jennifer Maghan, County Clerk, provided an update for the upcoming elections.

Ms. Maghan presented historical data/documentation obtained from the official record of the County Commission Order Book in support of the outstanding loan amount of \$200,000.00 from the Jefferson County Development Authority.

4. Request for approval of the Joint Resolution of the Jefferson County Development Authority and the Jefferson County Commission in support of the removal of the \$200,000.00 1988 liability from the Jefferson County Development Authority's financials and the correlating \$200,000.00 note payable from the Jefferson County Commission's financials.

Mark Schiavone, Director, Capital Planning and Management Department, advised that he spoke to Ora Ash, in charge of local government services for the West Virginia Auditor's Office, regarding how the matter should best be handled. It was Mr. Ash's recommendation that the \$200,000.00 loan be made into a grant.

Motion by Ms. Noland to direct the county's legal counsel to research the available records and submit to the Commission a formal legal opinion stating that the subject \$200,000.00 appears to have been a loan from the Jefferson County Commission to the Jefferson County Development Authority, that no repayments appear to have been made towards the loan to date and that counsel's legal opinion would be that the Jefferson County Commission turn the loan into a grant to the Development Authority. Motion seconded by Mr. Manuel and approved 3 to 1, with Ms. Morgan voting against the motion.

5. Appointments and Interviews:

- **HOME Consortium Council – one unexpired term ending June 13, 2013.**

The Commissioners were in agreement that this decision would be held over for one week.

- **Historic Landmarks Commission – one 3-year term ending March 6, 2014.**

Motion by Ms. Morgan to reappoint Michael Musick to one 3-year term ending March 6, 2014. Motion seconded by Mr. Manuel and unanimously approved.

NEW BUSINESS:

6. Legislative Updates:

Commissioner Noland:

- **HB3185** - Passed the House on March 2, 2011 and has gone to the Senate.
- **SB245** - Chesapeake Bay Protection Bill.
- **HB2871** - Brownsfields bill - appears to be stalled in the Senate.
- **JR58** - No updates.

Commissioner Manuel:

- **JR29** - Presently taking counts to determine if a super majority could be obtained.
- **SJR11** - Bill regarding business personal property tax – County Commissioners' Association of West Virginia opposes this bill.

7. Discussion regarding change in policy concerning number of signatures on checks issued.

Motion by Mr. Manuel to direct Mr. Boyde to submit to the Commission a proposed policy with regard to the number of original signatures required on all checks issued, taking into consideration the different categories of checks to be written. Motion seconded by Ms. Morgan and unanimously approved.

The Commission took a 10-minute break at 10:36 a.m.

The Commission reconvened its regular meeting at 10:43 a.m.

8. Letter of Intent on three properties viewed on the Commission tour (DM).

Motion by Mr. Manuel to enter into an Executive Session to discuss the proposed letters of intent on the three properties viewed on the Commission tour. Motion seconded by Mr. Pellish and approved 3 to 1. Ms. Morgan voted “against” and, for the record, objected to the characterization in Item #10 that it was a “Commission tour” as she chose not to participate. **The Commission entered into an Executive Session at 10:50 a.m.**

Motion by Mr. Manuel to end the Executive Session and return to the regular meeting. Motion seconded by Ms. Morgan and unanimously approved. **The Commission ended the Executive Session and reconvened its regular meeting at 11:30 a.m.**

Motion by Mr. Manuel that the Commission send out a Letter of Intent under the signature of the President with prior legal review on one property that was viewed by some of the Commissioners and, after that letter is sent, accepted by Seller and returned signed by Seller to the Commission, that letter would immediately become a public document and be made a part of the public record. Motion seconded by Mr. Pellish and approved 3 to 1, with Ms. Morgan voting “against.”

9. Stephanie Grove, Assistant Prosecuting Attorney provided an update on pending county legal matters.

Ms. Grove inquired whether the Commission had made a determination as to whether or not to refer Jefferson County residents wishing to dispute their water bills to the West Virginia Public Service Commission Consumer Advocacy Department for assistance.

Ralph Lorenzetti, Prosecuting Attorney for Jefferson County joined the discussion. Upon Mr. Lorenzetti’s suggestion, the Commissioners unanimously agreed that Mr. Lorenzetti would arrange a video conference with the Attorney General to enable the Commission to discuss the PSC’s methods of citizen assistance so as to make a better informed decision to either refer the residents to the PSC or intervene itself on behalf of the Jefferson County citizens.

10. Direction/Decision on current CD Renewal (PN).

Motion by Ms. Morgan that the Commission direct the County Administrator, in conjunction with the Sheriff, to contact several local banks to attempt to locate the best deal available for a renewal of the CD coming due, using caution so as to prevent incurring a prepayment/early withdrawal penalty. Motion seconded by Mr. Pellish and unanimously approved.

11. Establishment of policy to appoint alternate Commissioners to committees (PN).

It was agreed that the Commission will work with the County Administrator to establish a formal policy for substituting a Commissioner to attend a meeting in place of the appointed committee member should the regular Commissioner be unable to attend his/her scheduled committee meeting on a certain date and it is determined that it is important to have a Commission presence at that particular committee meeting.

COUNTY ADMINISTRATOR REPORTS:

- Rep. Shelly Moore Capito will be at the Berkeley County Development Office on Foxcroft Avenue in Martinsburg on March 8, 2011 from 10:30 a.m. to 11:45 a.m. for a roundtable discussion on any topic of interest. Those who will be attending should inform Mr. Boyde so that he can R.S.V.P.
- Mr. Boyde inquired of the Commission how they would like to address the work sessions for the elected officials. He suggested the sessions could be added to the afternoon agendas in the upcoming weeks. The Commissioners directed Mr. Boyde to proceed to schedule the elected on the agendas.
- Advised there is a public hearing scheduled on March 17, 2011 to discuss the general status of the budget, i.e, where the County is now and where it intends to be. Mr. Boyde will ascertain the time of the hearing and report back to the Commission.
- Reminder to the Commissioners to try to be available on March 24, 25 and 28 in order to be able to make final adjustments to budget items, if needed. The proposed budget must be completed by

March 28, 2011. Several of the Commissioners had a problem with March 24th and asked Mr. Boyde to attempt to schedule something on March 23, 2011 instead.

Mr. Manuel mentioned that he would like an idea of how revenue estimates will change in the budget.

- Mr. Boyde inquired if the Commission would like to have a public hearing on the levy rate. He advised that if nothing is done the levy rate will automatically go up by 1%.

Ms. Morgan urged that a date be set now for a public hearing, which date could be used as a “placeholder” if necessary.

- Mr. Boyde reported that he would submit a proposed restructuring plan within the next week.

COUNTY COMMISSIONER REPORTS:

Commissioner Morgan:

- Attended a Farmland Protection Board monitoring of a farm. She further advised that the telephone number to the new Farmland Protection Board Administrator, Elizabeth Wheeler, is (304) 724-1414.

Commissioner Pellish:

- Attended a special session of the West Virginia Development Authority to look at the Bardane Farmers’ Market situation. The market will be closed.

Commissioner Manuel:

- Met with Rachel Poling, Wildlife Technician, USDA Wildlife Services. Ms. Poling is working to try to stop the spread of rabies.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Morgan and unanimously approved. Meeting was adjourned at 12:03 p.m. Upon rising the Commission recessed until Thursday morning next beginning at 9:30 o’clock a.m.

PATSY A. NOLAND, PRESIDENT