

Minutes

Jefferson County Commission

Thursday, March 10, 2011

A meeting of the Jefferson County Commission was held on Thursday, March 10, 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, Nichelle Hosby, Executive Assistant and Jimmy Eddie, Bailiff. (An audio tape of this March 10, 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 Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the February 10, 2011 Board of Review and Equalization afternoon session as presented. Motion seconded by Ms. Morgan and unanimously approved.

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

Motion by Ms. Morgan to approve the Minutes of the February 17, 2011 Board of Review and Equalization afternoon session as presented. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the March 3, 2011 regular session meeting of the Jefferson County Commission as amended. Motion seconded by Mr. Pellish and unanimously approved. Commissioner Widmyer abstained from the vote due to her attendance at the Corn Growers Conference.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$40,526.93, being purchase order numbers: 48514, 49443, 48955, 48798, 48797, 48679, 49565, 48199, 49446, 49453, 49451, 49454, 49455, 49445, 49274, 49452, 49457, 49456, 49567, 49566, 48941, 48947, 49430, 49394, 49392, 49393, 49395, 49448, 48912, 49516, 48604, 49449. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$136,885.27. Motion seconded by Mr. Pellish and unanimously approved.

PUBLIC COMMENT

Heidi Parker requested the County Commission intervene on the Flowing Springs Water Treatment Plant.

Ed Burns opposed Agenda item number 14 is not a reason for an executive session and requested that minutes are taken during such session.

PRESENTATIONS:

1. Angela Banks, Assessor - Exoneration

Angela Banks, Assessor, requested exoneration for Robert D. Heavner in the amount of \$12.24 for tax year 2010 and \$11.36 for tax year 2009.

Motion by Mr. Manuel to approve exoneration of \$12.24 for Robert D. Heavner, Ticket No. 11842. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Mr. Manuel to approve exoneration of \$11.36 for Robert D. Heavner, Ticket No. 11844. Motion seconded by Ms. Widmyer and unanimously approved.

Name	District	Type	Ticket #	Amount
Robert D. Heavner	Harpers Ferry	Real Estate	11842	\$12.24
Robert D. Heavner	Harpers Ferry	Real Estate	11844	11.36

NOTICE OF APPORTIONMENT OF JOINTLY OWNER MOTOR VEHICLES

Upon presentation by Angela Banks, Assessor, Motion by Ms. Morgan, second by Mr. Manuel, to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, Ticket No. 301140 for Tax Year 2010, in the amount of \$193.28 for the following, the Motion was unanimously approved:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Julie Kable Scott Chen	Wife	\$ 6,800.00	\$ 151.07
Simon Chen	Husband	\$ 1,900.00	\$ 42.21
TOTAL TAXES DUE:			\$ 193.28

NOTICE OF APPORTIONMENT OF JOINTLY OWNER MOTOR VEHICLES

Upon presentation by Angela Banks, Assessor, Motion by Ms. Morgan, second by Ms. Widmyer to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, Ticket No. 307048 for Tax Year 2010, in the amount of \$259.94 for the following, the Motion was unanimously approved:

NAME	HUSBAND/WIFE	ASSESSED VALUE	TAXES DUE
Virginia J. Dillow	Wife	\$ 800.00	\$ 17.78
Virginia J. Dillow	Wife	\$ 2,500.00	\$ 55.54
Rafael Gonzalez-Anaya	Husband	\$ 8,400.00	\$ 186.62
TOTAL TAXES DUE:			\$ 259.94

2. Alana C. Hartman, WVDEP, Potomac Basin Coordinator

Ms. Hartman introduced Jennifer Galeski, Michael Swartz and Neil Shell.

Ms. Hartman reviewed the commitments made to the TMDL and discussed plans for the Commission’s involvement in 2011 for the Chesapeake Bay Initiative.

Comments were also given by Jennifer Galeski.

Mr. Manuel and Ms. Widmyer volunteered to attend future committee meetings with the WV DEP and Delta Development.

The Commission requested a single point of contact on staff be identified to collect information.

3. Sheriff Robert Shirley presented former Sheriff William Senseney with his duty pistol, engraved with his name and dates of service and one bullet for his service to the Sheriff’s office, currently the Magistrates office and the community.

Comments were made by Magistrate William Senseney, Prosecuting Attorney, Ralph Lorenzetti and Chief Jesse Jones.

The Commission took a ten minute break at 10:25 a.m.

4. Citizens for Fair Water – Request to Intervene in Jefferson Utilities, Inc. General Investigation, case #11-0235-W-GI and Conference Call – Consumer Advocate Division

A conference call with the Consumer Advocate Division Byron Harris, Director, Tony Sade, Attorney and Lynne White, Account was held discussing the general investigation of Jefferson Utilities, Inc.

Comments were made by Prosecuting Attorney Ralph Lorenzetti and Assistant Prosecutor James Casimiro.

Motion by Ms. Morgan to intervene in Jefferson Utilities, Inc. general investigation case # 11-0235-W-GI. Motion seconded by Ms. Widmyer and failed 2-3. Mr. Manuel, Mr. Pellish and Ms. Noland voted no.

Comments were made by Chris Cody of Citizens for Fair Water.

Motion by Ms. Widmyer to send a letter of support for the cases to be heard in Jefferson County. Motion seconded by Mr. Pellish and unanimously approved.

5. Jennifer Brockman, Director of Planning and Zoning

Ms. Brockman presented an update on the Urban Tree Canopy Grant Plan and goals as well as a timeline for tree plantings and dates.

Herb Peddicord, WV Division of Forestry was present and gave comments.

Ms. Brockman presented an update on the US 340 Corridor – East Gateway Plan and announced that there will be a kick-off meeting on March 26, 2011 at 9:30 a.m. being held at C.W. Shipley Elementary School.

Ms. Brockman distributed a spreadsheet of comments made during the Public Hearing of the Draft Wireless Telecommunications Ordinance held on February 24, 2011 and staff recommendations.

Steve Barney, Zoning Administrator was present and gave comments.

Motion by Ms. Morgan to accept staff recommendations to not change the height limitations. Motion seconded by Ms. Widmyer and unanimously approved.

Motion by Ms. Pellish to accept staff recommendations not to change the Fall Zone. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to reject staff recommendations and leave the ordinance as it is without a cap. Motion seconded by Mr. Pellish.

Amendment to the motion by Mr. Manuel to add the phrase, not to exceed actual cost of consultant services. Amendment accepted by Ms. Morgan and unanimously approved.

Motion by Mr. Manuel to change the numbering to make the ordinance correct. Motion seconded by Ms. Widmyer and unanimously approved.

**A Motion to Approve
Amendments to Articles 2.2, 4.3, 4.4, 4B, 4.7, 4.11, and 9.2 of the Zoning Ordinance**

March 10, 2011

Whereas, The Jefferson County Planning Commission initiated amendments to the Zoning Ordinance related to Wireless Telecommunications; and

Whereas, The Planning Commission conducted meetings to review the draft Wireless Telecommunications Ordinance on August 6, August 10, August 24, September 14, September 28, October 19, and October 26, 2010; and

Whereas, The Planning Commission conducted a stakeholder meeting to receive input on the draft Ordinance on August 31, 2010; and

Whereas, The Planning Commission conducted a public hearing on the draft Ordinance on October 12, 2010; and

Whereas, The Planning Commission has approved amendments to the draft Ordinance as a result of stakeholder comments and staff recommendations; and

Whereas, the County Commission conducted a public hearing on the draft Ordinance on February 24, 2011;

Now therefore be it moved, that the Jefferson County Commission approves the following amendments to the Zoning Ordinance:

1. Rescind Article 4B; and
2. Adopt the Wireless Telecommunications Ordinance Sections 4B.1 - 4B.9 as Article 4B; and
3. Adopt the Wireless Telecommunications Ordinance Section 2.2. as an amendment to Section 2.2;
4. Adopt related amendments to Sections 2.2, 4.3, 4.4, 4.7, 4.11 and 9.2.

Recommended _____ this ___ day of _____ 2011

By vote of the Jefferson County Commission

By a vote of _ Yes _ No

Patsy Noland, President
Jefferson County Commission

6. **Meredith Wait and Catherine Irwin requested permission from the Commission to reschedule onto the March 17, 2011 agenda.**
7. **Mark Schiavone, Director of Capital Planning and Management** gave a presentations on a decision on the automatic adjustment of impact fee schedules, server replacement options, revision B to the General Fund, Revision 008 to the General Fund and Revision 004 to Coal Severance Fund.

Motion by Mr. Manuel to prevent the automatic inflation adjustment to each of the 4-current impact fee schedules that would otherwise have taken effect on April 1st, 2011. Motion by Ms. Morgan unanimously approved.

Mayor David Hamill, City of Ranson was present and gave comment.

Ed Burns gave comment on the server issues.

Motion by Ms. Widmyer to accept staff proposal as presented in option 2 server replacement. Motion seconded by Ms. Morgan.

Subsidiary motion by Mr. Manuel to postpone a decision for one week in order for Mr. Boyde to bring recommendations to the Commission. Motion seconded by Ms. Noland and unanimously approved.

Main motion to be discuss on Thursday, March 17, 2011.

Motion by Ms. Widmyer to approve the resolution to revise the general fund budget. Motion seconded by Ms. Morgan and unanimously approved.

RESOLUTION

At a regular session of the Jefferson County Commission, held 10th March, 2011, the following order was made and entered:

SUBJECT: The revision of the General Fund (Fund 001) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 008, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Lyn Widmyer, and duly seconded by Frances Morgan, the vote thereon was as follows:

Dale Manuel	Yes
Patricia Noland	Yes

Walter Pellish	Yes
Lyn Widmyer	Yes
Frances Morgan	Yes

WHEREUPON, Patricia Noland, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and F. Mark Schiavone is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

Motion by Mr. Manuel to approve revision B to the General Fund as presented. Motion seconded by Ms. Widmyer and unanimously approved.

Motion by Ms. Morgan to approve the resolution to amend the approved budget for the Coal Severance Fund. Motion seconded by Mr. Pellish and unanimously approved.

RESOLUTION

At a regular session of the Jefferson County Commission, held 10th March, 2011, the following order was made and entered:

SUBJECT: The revision of the Coal Severance (Fund 002) Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered:

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the county commission does hereby direct the budget be revised PRIOR TO THE EXPENDITURE OR OBLIGATION OF FUNDS FOR WHICH NO APPROPRIATION OR INSUFFICIENT APPROPRIATION CURRENTLY EXISTS, as shown on budget revision number 004, a copy of which is entered as part of this record.

The adoption of the foregoing resolution having been moved by Frances Morgan, and duly seconded by Walter Pellish, the vote thereon was as follows:

Lyn Widmyer	Yes
Patricia Noland	Yes
Dale Manuel	Yes
Frances Morgan	Yes
Walter Pellish	Yes

WHEREUPON, Patricia Noland, declared said resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said resolution be, and the same is, hereby adopted as so stated above, and F. Mark Schiavone is authorized to fix his signature on the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

By recommendation from Assistant Prosecuting Attorney Stephanie Grove to move legal update and Executive Session – Role of Counsel representing County Government to the Thursday, March 17, 2012 agenda.

Unanimous consent to table a decision regarding the Amendment to the County Zoning Map to consider the Urban Growth Boundaries for Harpers Ferry and Bolivar until the month of April 2011 once the budget is submitted.

**The Commission recessed for lunch at 12.58 p.m.
The Commission reconvened at 1:45 p.m.**

- 8. Laura Rattenni, Circuit Clerk** presented her FY2012 budget to the Commission.
- 9. Angela Banks, Assessor,** presented her FY2012 budget to the Commission.

The Commission agreed to meet on Monday, March 14, 2011 from noon to 2:30 p.m. and on Wednesday, March 16, 2011 at 9:30 a.m. to 3:00 p.m. for budget work sessions.

10. Appointment to the HOME Consortium Council

Unanimous consent to appoint Annette Van Hilst, R. A. to the HOME Consortium for an unexpired term ending June 30, 2013.

11. Appointment to the Jefferson/Berkeley Community Criminal Justice Board

Motion by Ms. Morgan to reappoint Carolyn Zdziera to the Jefferson/Berkeley Criminal Justice Board. Motion seconded by Mr. Pellish and unanimously approved.

- 12. Dale Manuel, Commissioner** requested action to create the position of a Chief Financial Officer and place all finance employees under the same and to include in next years’ budget as well as developing a job description for the post and beginning the posting process.

The Commission directed Mr. Boyde to create a job description and proposed classification for salary.

Motion by Mr. Manuel to approve the position of Chief Financial Officer (CFO), place all finance employees under the same and to place the CFO under the direction of the County Administrator. Motion seconded by Ms. Noland and unanimously approved.

13. Dale Manuel, Commissioner requested a policy that all outside counsel must be approved by the Commission before delivery of services in order to receive compensation for said service.

Motion by Mr. Manuel to adopt a policy that all outside counsel must be approved by the Commission before delivery of services in order to receive compensation for said services. Motion seconded by Ms. Morgan.

Ms. Widmyer requested a wording change to say that all outside counsel not approved by the Commission before delivery of service will not receive compensation.

Unanimous consent to have County Administrator, Mr. Boyde present a draft policy.

14. Legislative Updates:

Commissioner Noland:

- **HB3185** – Affordable Housing
- **SB245** - Chesapeake Bay Protection Bill.

Commissioner Manuel:

- **SB245** - Chesapeake Bay Protection Bill amended to add the Greenbrier Watershed.
- **SJR10** - Term limits for the office of Sheriff
- **SB272-** Tax Increment Finance
- **HB2936** - Change in the date of Canvass
- **SB550** - Reduce the numbers of days for early voting.

COUNTY ADMINISTRATOR REPORTS:

- No new information given.

COUNTY COMMISSIONER REPORTS:

Commissioner Morgan:

- Announced that the Senior Service Guide is now available.
- Reported on the Board of Health meeting she attended.
- Reported on the Day Report Center.

Commissioner Pellish:

- Reported on the Roundtable discussion he attended with Congresswoman Capito.
- Reported on the Planning Commission meeting he attended via phone.

Commissioner Manuel:

- Reported on the Roundtable discussion he attended with Congresswoman Capito.
- Reported that he attended Citizen's Fire Company pancake day.

Commissioner Widmyer:

- Reported on electronic recycling and ask to send a letter of support to the Solid Waste Authority in taking over the project.
- Reported that she received a letter from Keith Burdette.

Commissioner Noland:

- No new information given.

There being no further business, motion by Ms. Morgan to adjourn. Motion seconded by Mr. Pellish and unanimously approved. Meeting was adjourned at 3:50 p.m. Upon rising the Commission recessed until Monday afternoon next beginning at 12:00 o'clock p.m.

PATSY A. NOLAND, PRESIDENT