

Jefferson County Commission

Thursday, March 17, 2011

A meeting of the Jefferson County Commission was held on Thursday, March 17, 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, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of this March 17, 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 Widmyer led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the March 10, 2011 meeting of the Jefferson County Commission as presented. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$120,594.89, being purchase order numbers: 48515, 48957, 49342, 49309, 49584, 49458, 49460, 49461, 49463, 49105, 48895, 49370, 49462, 49271, 49570, 49569, 49459 and 49514. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$213,231.29. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

There was no public comment.

Motion by Mr. Manuel to enter into an Executive Session, pursuant to WV Code §6-9A-4, to discuss a possible offer on the McDaniel property. Motion seconded by Mr. Pellish and motion carried 4 to 1 with Ms. Widmyer voting "no."

The Commission entered into an Executive Session at 9:40 a.m.

Motion by Mr. Manuel to adjourn the Executive Session. Motion seconded by Mr. Pellish and unanimously approved. Executive Session was adjourned and the regular meeting of the Jefferson County Commission reconvened at 10:10 a.m.

Motion by Mr. Pellish that the Commission authorize Mr. Boyde to proceed with the offer on the McDaniel property as discussed in Executive Session along with the provisions discussed. Motion seconded by Mr. Manuel and carried 3 to 2 with Mr. Widmyer and Ms. Morgan voting "no."

PRESENTATIONS:

1. **Mayor Peggy Smith of the City of Charles Town** presented a proposed Resolution to place a bronze statue of Frank Buckles on the Jefferson County Courthouse lawn as a memorial to Mr. Buckles and all World War I veterans.

The Commission questioned the location for the statue suggesting that another site might be more appropriate. Mayor Smith will contact the family of Mr. Buckles, obtain their recommendations, if any, and provide the information to the Commission.

It was further suggested by the Commissioners that a public hearing should be held so that the residents could have input as to an appropriate location for the placement of the statue.

It was noted that more details regarding the dimensions and construction of the proposed statue are needed before a decision can be made as to its location.

2. **Teresa Warnick, Dr. Joy Buck and Denise Ryan** offered a presentation of MAPP (Mobilizing for Action through Planning and Partnerships) and its potential benefit to community health improvement.

The Commission took a break at 11:09 a.m.

The Commission returned to session at 11:15 a.m.

3. **Meredith Wait and Catherine Irwin** gave a power point presentation of the anticipated events scheduled for the Shepherdstown Sesquicentennial 250 celebration (SQ250) and requested that the Commission contribute between \$10,000.00 and \$15,000.00.
4. **Lynn Fields of the Probate Office** requested that the Commission accept the First and Final Accounting of the Estate of John Rockenbaugh and approve the closing of the estate.

Motion by Ms. Widmyer that the Commission accept the First and Final Accounting of the Estate of John Rockenbaugh and approves the closing of the estate upon the recommendation of the Probate Office subject to any comments of legal counsel. Mr. Manuel seconded the motion and it was unanimously approved.

NEW BUSINESS

5. **Legislative Update:**

Ms. Noland advised that the Chesapeake Bay Bill SB245 has passed.

Ms. Noland advised that the Economic Development Legislation (Brownfield's legislation) has passed.

Mr. Manuel reported that the fire companies received \$5M to be utilized for the fire companies' needs regarding workers compensation.

It was suggested that the Commission send a "thank you" letter to our legislators and invite them to a Commission meeting in April, 2011.

PRESENTATIONS continued:

6. **Stephanie Grove, Assistant Prosecuting Attorney**, presented an update of pending county legal matters.
7. **Jennifer Brockman, Director of Planning and Zoning**, presented an overview of a proposed amendment to the 2008 Subdivision and Land Development Regulations (as amended in 2010), and requested that the Commission hold a public hearing on the proposed amendment.

Ms. Brockman suggested a day time public hearing. The Commissioners agreed and set a public hearing for April 14, 2011 and directed that it be placed on the Commission agenda during the regular daytime meeting. It was agreed that the comment period would remain open through April 22, 2011 the Commission would take action on April 28, 2011.

UNFINISHED BUSINESS:

8. **Stephanie Grove** discussed the need for the county to put in place a conflict policy to be utilized when a conflict arises between clients. The Commissioners unanimously agreed that they would like Ms. Grove to continue as the attorney for County Commission matters. Mr. Pellish recommended that Ms. Grove prepare a draft conflict policy to be presented to the Commission for review and approval.

Motion by Mr. Manuel to enter into an Executive Session, pursuant to WV Code §6-9A-4, to discuss a personnel matter. Motion seconded by Mr. Pellish and unanimously approved. Ms. Noland suggested that the Commission break for lunch following the Executive Session. The Commission entered into an Executive Session at 12:07 p.m.

Motion by Mr. Manuel to adjourn the Executive Session. Motion seconded by Ms. Morgan and unanimously approved. The Commission reconvened its regular meeting at 1:23 p.m.

NEW BUSINESS continued:

9. **Ms. Widmyer** initiated discussion on the need for public improvement projects to be in the approved and adopted Capital Improvement Plan prior to funding. The Commissioners agreed that the matter would be discussed after budget negotiations are concluded.
10. **Ms. Morgan** volunteered to be the Jefferson County representative to the inter-governmental committee to investigate options to acquire Happy Retreat. The Commissioners were in unanimous agreement that Ms. Morgan would be the Jefferson County representative.

BUDGET DISCUSSIONS:

11. **Ralph Lorenzetti, Jefferson County Prosecuting Attorney**, presented the proposed FY2012 budget for the Jefferson County Prosecuting Attorney's Office.
12. **Teresa Hendricks, Chief Tax Deputy**, presented the proposed FY2012 budget for the Sheriff's Tax Office.
13. **Sheriff Robert "Bobby" Shirley** presented the proposed FY2012 budget for the Sheriff's Office.
14. **Jennifer Maghan, County Clerk, and Nikki Painter of the Clerk's Office**, presented the proposed elections budget.

Ms. Maghan presented the proposed FY2012 budget for the County Clerk's Office.

Ms. Morgan left the meeting at 3:00 p.m.

UNFINISHED BUSINESS continued:

15. The Commissioners discussed server replacement options. **Mark Schiavone, Director of Capital Planning & Management**, reported that he was waiting to receive quotes for three (3) servers and is waiting to move the existing server room.

Mr. Boyde advised that the county obtained a server from the Sheriff's Department and one from Biz Tech.

Motion by Ms. Widmyer that the Commission authorize an expenditure of up to \$30,000.00 for three (3) servers as recommended by the County Administrator. Motion seconded by Mr. Pellish and unanimously approved.

NEW BUSINESS continued:

16. **Appointment to the Criminal Justice Board.**

Motion by Mr. Manuel to approve the reappointment of Ms. Ann Smith to the Criminal Justice Board. Motion seconded by Mr. Pellish and unanimously approved.

COUNTY ADMINISTRATOR REPORT

Mr. Boyde reported that a budget work session is scheduled for Monday, March 21, 2011 beginning at 9:30 a.m.

COUNTY COMMISSIONERS REPORTS:

Ms. Widmyer had nothing to report this week.

Mr. Manuel reported that he attended a Parks & Recreation Department meeting.
Mr. Manuel attended a Jefferson County Emergency Services Agency meeting.

Mr. Pellish attended budget work sessions.

Ms. Morgan attended a Farmland Preservation meeting.
Ms. Morgan attended an Historic Landmarks Committee meeting.

Ms. Noland attended budget work sessions.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Mr. Pellish and unanimously approved. Meeting was adjourned at 3:20 p.m.

Upon rising the Commission recessed until Monday, March 21, 2011 beginning at 9:30 o'clock a.m. for a budget work session.

PATSY A. NOLAND, PRESIDENT