

Minutes
Jefferson County Commission
Thursday, April 28, 2011

A meeting of the Jefferson County Commission was held on Thursday, April 28, 2011 in the County Commission meeting room at the Old Charles Town Library 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 April 28, 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 Ms. Morgan to approve the Minutes of the April 14, 2011 regular meeting of the Jefferson County Commission as amended. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the April 14, 2011 Public Hearing as amended. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the April 19, 2011 Special Session of the Jefferson County Commission as presented. Motion seconded by Mr. Manuel and approved 4-0 (Ms. Noland and Ms. Widmyer abstained from voting as they were not present at this Special Session.)

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$28,353.36, being purchase order numbers: 48960, 49347, 49584, 49586, 49587, 49591, 49549, 49507, 49510, 49585, 495952, 49595, 49496, 49578, 49397, 49207, 49208, 49209, 49411, 49412, 49413, 49414, 49414, 49416, 49506, 49590, 49589, 49588 and 49517. 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 \$560,102.28. Motion seconded by Mr. Manuel and unanimously approved. Motion by Ms. Morgan to approve an additional invoice in the amount of \$586.79. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Debbie Royalty from the Charles Town/Summit Point area commented on the (1) Cement Mill Property, (2) League of Women Voters State Legislator Report on Thursday, May 12, 2011 and (3) the proposed citizen oversight board

listed on the Commission Agenda.

Keryn Newman from Shepherdstown also commented on the proposed citizen oversight board.

Fred Blackmer advised the Commission that a citizens committee for oversight already exists.

PRESENTATIONS:

- 1. Jennifer Maghan, County Clerk.** Before Ms. Maghan’s presentation, Ms. Morgan addressed the fact that a brochure promoting a “Day of Prayer” in front of the Courthouse was being distributed by the County Clerk’s Office. Ms. Morgan moved that it be noted in the official record that the Jefferson County Commission was in no way connected with and was not sponsoring this event. Ms. Widmyer seconded the motion and it was unanimously approved.

After the vote Ms. Maghan discussed several items: (1) early voting beginning 4/29/2011 and continuing until May 11, 2011, (2) voting equipment to be tested by the public on May 4, 2011, and (3) the amended Poll Worker List.

- 2. Decision – Amendment 2008 Subdivision and land development regulations (as amended 2010).**

Mr. Pellish moved approval of the proposed Amendment to the 2008 Subdivision and land development regulations (as amended 2010) as recommended by Staff. Ms. Morgan seconded the motion after discussion, the motion was carried 3 to 2 with Ms. Morgan and Ms. Widmyer voting “no.”

- 3. Tom Bayuzik, Executive Director – Jefferson County Development Authority – Request to Sign Resolution in Support of the Jefferson County Development Authority’s request to obtain LED Grant Funds as part of the Certified Development Community Program.**

Motion by Ms. Morgan to approve the Resolution in Support of the Jefferson County Development Authority’s request to obtain LED Grant Funds as part of the Certified Development Community Program and to affix signature of Commission President. Motion seconded by Mr. Manuel and unanimously approved.

**WEST VIRGINIA
CERTIFIED DEVELOPMENT COMMUNITY (CDC)
PROGRAM
RESOLUTION OF PARTICIPATION AND COOPERATION**

Whereas, the governing body of Jefferson County is interested in the economic well-being of its citizenry and the community at-large; and,

Whereas, the governing body is prepared to support appropriate efforts within the community to promote economic development; and;

Whereas, the West Virginia Chamber of Commerce and the West Virginia Development Office sponsor a program that is specifically designed to help West Virginia communities become better prepared for economic development; and
Whereas, The County Commission has consistently funded the Jefferson County Development Authority since 1980, and

this year's budgeted amount well exceeds the required \$31,008.00 match; and

Whereas, it is a requirement of the Local Economic Development Grant Program to provide evidence of local match;

THEREFORE, BE IT RESOLVED that the County Commission of Jefferson County wishes to continue its participation in the Certified Development Community Program, and that the leadership of the community fully realizes this program requires dedicated effort; and,

BE IT FUTHER RESOLVED, that the program requires the existence of a Local Economic Development Organization, and this governing body designates the Jefferson County Development Authority as representing our community for the purpose of participating in this program.

BE IT FURTHER RESOLVED, that evidence is hereby provided to the West Virginia Development Office that more than sufficient matching funds have been provided to the Jefferson County Development Authority by the Jefferson County Commission.

This resolution is in full effect upon its adoption this 28th day of April, 2011.

Signed: Patsy Noland, President

Attested: Jennifer S. Maghan, County Clerk

NEW BUSINESS:

4. Tim Boyde, County Administrator – Approval of Conflict of Interest Policy.

Motion by Mr. Manuel to approve the Conflict of Interest Policy as recommended by County Administrator. Motion seconded by Mr. Pellish and unanimously approved.

The Commission took a break at 10:30 a.m.

The Commission reconvened at 10:40 a.m.

5. Kirk Davis, Sr., Capital Projects – Approval of West Virginia Counties Risk Pool Proposal to Jefferson County effective July 1, 2011 – Renewal Quotation for Self Insurance.

Motion by Ms. Morgan to approve the proposal presented by the West Virginia Counties Risk Pool to Jefferson County on March 17, 2011. Motion seconded by Mr. Manuel and unanimously approved.

PRESENTATIONS continued:

At 11:00 a.m. the County Commission was convened by Ms. Noland as a Quarterly Fiduciary Review Board.

6. Lynn Fields, County Clerk Probate Office – Quarterly approval/closing of Wills/estates/accountings.

Ms. Widmyer moved to approve closing of the Wills, accountings and estates as recommended by Staff and to authorize the Commission President to sign the Order as presented. Ms. Morgan seconded the motion and it

was unanimously approved.

The Commission reconvened its regular meeting at 11:05 a.m.

- 7. Stephanie Grove, Assistant Prosecuting Attorney,** updated the Commission on pending legal matters.

Ms. Morgan requested that Ms. Grove research her issue, item number 11 on the Agenda, i.e., setting up a citizens oversight board to oversee several past problems and provide some closure. Mr. Manuel added that a specific group of people should come together to oversee a specific task and then be dissolved when the task is completed. Ms. Morgan agreed. This oversight board should be not a standing committee but rather a board put together as the need would arise.

- 8. Mark Schiavone, Director of Capital Planning and Management,** offered a Power Point presentation and explained how the levy rate is related to property values and ad valorem revenue as they relate to Jefferson County.

UNFINISHED BUSINESS:

- 9. Ms. Widmyer – creation and introduction of County Commission Policy to require public improvement projects to be in the approved and adopted Capital Improvement Plan prior to funding.**

Ms. Widmyer stated that she would like the County to have a Capital Improvement Plan in place as soon as possible.

Motion by Ms. Morgan to direct Staff to create a draft Capital Improvement Plan with a funding mechanism and an emergency plan, in the event it would become necessary, that the Commission can review at the beginning of the new fiscal year. Motion seconded by Ms. Widmyer and unanimously approved.

NEW BUSINESS continued:

- 10. Recommendation from Sheriff Shirley regarding Bank Securities Bonding – County Bank Accounts.**

Mr. Manuel made a motion that the County Bank Accounts holding county monies and the Securities/Bonding for each of the county bank accounts be approved as recommended by Sheriff Shirley. Motion seconded by Ms. Morgan and unanimously approved.

- 11. Tim Boyde, County Administrator – approval of Absence Time with Pay Policy.**

Mr. Boyde explained the provisions of the draft policy and answered the Commissioners' questions. Motion by Ms. Morgan to approve and adopt the Absence Time with Pay Policy as recommended by the County Administrator. No second for motion.

More discussion and questions and suggestions by the Commissioners for several revisions.

Ms. Morgan withdrew her motion as being premature. It was the general consensus that Mr. Boyde make the

suggested revisions and resubmit the Policy to the Commission for approval.

The Commission recessed for lunch at 12:35 p.m.

The Commission reconvened at 1:30 p.m.

12. Hali Taylor – Shepherdstown Library Design Discussion.

Ms. Taylor gave a short overview of the library project and introduced Jessica Marshall, the Library Architect, and Richard Bowra, the Library Consultant. Ms. Marshall and Mr. Bowra solicited comments and ideas from the Commissioners regarding what features they believe should be included in the new library and offered ideas of their own.

COUNTY ADMINISTRATOR REPORTS:

- Met with the subcommittee to address County space needs.
- With regard to the impact fees, Notice has been duly advertised and posted on the web: on 5/4/2011 there will be a public hearing and workshop to discuss impact fees and a public hearing on 5/12/2011 regarding the Updated Fee Schedules.
- Mr. Boyde reported that he is attempting to follow up with the people advocating for a Teen Court. He will continue to be in touch.
- He reported that the Courthouse Committee has several items to be completed on the Capital Improvements Plan; however it has become critical that three columns on the front of the courthouse need to be repaired immediately.
- The County has purchased the McDaniel Hardwood building and 50% of the commission is to be designated to a 501(c) (3) organization. Mr. Boyde suggests Parks and Recreation if it is possible.

COUNTY COMMISSION REPORTS:

Commissioner Morgan:

- Attended a West Virginia Development Authority meeting.
- Attended a local meeting for Workforce Investment in Romney, West Virginia.

Commissioner Pellish:

- Attended a West Virginia Development Authority meeting.
- Attended a Planning Commission meeting.

Commissioner Widmyer:

- Reported that she was honored by the Alumni Chapter of Delta Sigma Theta for her role in Community Development.
- Attended a “Balancing in Nature” conference sponsored by the Eastern Panhandle Conservation Fund.
- Attended a Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) meeting.
- Attended a Solid Waste Authority meeting.

- Attended the Council of Governments Roundtable Discussion.

Commissioner Manuel:

- Attended the Public Hearing to Lay the Levy.
- Attended a Jefferson County Emergency Services Agency meeting.
- Attended a Parks and Recreation meeting.
- Attended a Courthouse Committee meeting.
- Attended a subcommittee meeting on County space needs.
- Announced that on Saturday, April 30, 2011 from 10:00 a.m. to 2:00 p.m. the Jefferson County Sheriff's Office will be holding a "drug take back day."

Commissioner Noland:

- Attended a West Virginia Development Authority meeting.
- Attended a Jefferson County Council on Aging meeting.
- Attend a Convention Visitors' Bureau meeting.
- Attended the Council of Governments Roundtable Discussion.
- Attended the subcommittee meeting to address County space needs.

Mr. Manuel made a motion to enter into an Executive Session, pursuant to WV Code §6-9A-4 and Tim Boyde's request, to evaluate the performance of Tim Boyde, County Administrator. Ms. Morgan seconded the motion and it was unanimously approved. Following the Executive Session the Commission will adjourn until Wednesday, May 4, 2011 at 4:00 p.m. The Commission entered into an Executive Session at 2:28 p.m.

PATSY A. NOLAND, PRESIDENT