

**Minutes**  
**Jefferson County Commission**  
**Thursday, May 12, 2011**

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A meeting of the Jefferson County Commission was held on Thursday, May 12, 2011 at the Old Charles Town Library meeting room located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Frances Morgan, Walt Pellish and Lyn Widmyer; Tim Boyde, County Administrator, Nichelle Hosby, Executive Assistant and Jimmy Eddie, Bailiff. (An audio tape of this May 12, 2011 meeting is available through the Jefferson County Commission Office.)

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

**PLEDGE OF ALLEGIANCE**

Commissioner Pellish led the Pledge of Allegiance.

Unanimous consent to hold over the request to approve and include two positions in the maintenance department (carpentry and auto mechanic) which were inadvertently omitted from the final budget deliberation to be reinstated into next year's budget which is agenda item number nine (9), until all commissioners can be in attendance.

**APPROVAL OF MINUTES**

Motion by Ms. Morgan to approve the Minutes of the May 4, 2011 regular meeting of the Jefferson County Commission as amended. Motion seconded by Ms. Widmyer and unanimously approved.

**APPROVAL OF PURCHASE ORDERS**

Motion by Ms. Widmyer to approve Purchase Orders in the amount of \$99,250.50, being purchase order numbers: 48520, 48519, 49865, 49607, 49327, 49328, 52951, 49608, 649610, 49609, 48888, 48110, 52814, 52815, 49582, 49583, 52927, 49405, 49406, 52813, 49518. 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 \$156,016.68. Motion seconded by Mr. Manuel and unanimously approved.

**PUBLIC COMMENT**

Debbie Sirbaugh gave comment regarding storm water management, flooded roadways and the forthcoming blasting at Windmill Crossing.

Frederick Hatcher gave comment on the storm water management and flooding issues at Windmill Crossing.

Unanimous consent was given to hear a brief update from Ms. Widmyer on the new information she received regarding storm water management at Windmill Crossing.

Ms. Widmyer gave a brief update of Windmill Crossing and stated that this issue has been scheduled for next week's agenda with comments from Roger Goodwin, Chief County Engineer.

**PRESENTATIONS:**

1. **Jennifer Brockman, Director of Planning and Zoning**, requested approval of a job offer to Aaron Molenda for 2011 summer planning intern.

Motion by Mr. Pellish to approve the hiring of Aaron Molenda as a Summer Planning Intern. Motion seconded by Ms. Widmyer and unanimously approved.

2. **Jennifer Brockman, Director of Planning and Zoning and Steve Barney, Zoning Administrator**, provided a PowerPoint presentation on the proposed Policy Neutral Amendment Zoning and Land Development Ordinance and to set a date for a Public Hearing.

Motion by Mr. Pellish to schedule a Public Hearing for the Proposed Policy Neutral Amendment Zoning and Land Development for June 9, 2011 at 7:00 p. m. Motion seconded by Ms. Morgan and unanimously approved.

3. **Jennifer Brockman, Director of Planning and Zoning**, requested to use funds out of the Planning line item of Professional Services as part of a local match for a proposed grant being applied for by the Freshwater Institute for the purpose of developing a High-Resolution Land Use/Land Cover Data Set.

Michael Schwartz of the Freshwater Institute was present and gave comments.

Motion by Ms. Morgan to authorize the Planning Department to utilize \$3,750.00 in funds from the Planning Department's Professional Services budget line item to be part of the local match for a WV 2012 Chesapeake Bay Regulatory and Accountability Grant being applied for by the local farmers. Motion seconded by Mr. Pellish and unanimously approved.

**The Commission took a break at 10:46 a.m.**

**The Commission reconvened at 11:00 .m.**

4. **Stephanie Grove, Assistant Prosecuting Attorney**, updated the Commission on The Freedom of Information Act FOIA case and reported that an Order will be forthcoming.

Ms. Grove presented a request of reimbursement for legal fees on behalf of Michael D. Thompson that was incurred by defending an ethics complaint filed against him.

Motion by Mr. Pellish to approve reimbursement to Michael D. Thompson for legal fees incurred for the ethics complaint filed by the Planning and Zoning Commission. Motion seconded by Ms. Widmyer and was approved 3-1. Ms. Morgan voted no.

Ms. Grove reported that an executive session was needed to discuss pending litigation and a personnel issue.

Unanimous consent to have the County Clerk speak prior to the executive session.

5. **Jennifer Maghan**, County Clerk reported on early voting totals and a reminder that the Primary Election is Saturday, May 14, 2011.

Ms. Maghan asked that the Commission set the time and location for the Primary Election Canvass.

Motion by Ms. Widmyer to set the Primary Election Canvass for May 20, 2011 at the Jefferson County Courthouse and to begin at 9:30 a.m. Motion seconded by Mr. Pellish and unanimously approved.

6. Motion by Ms. Morgan to enter into Executive Session to discuss pending litigation and personnel issues. Motion seconded by Ms. Widmyer and unanimously approved.

Motion by Mr. Pellish to exit Executive Session. Motion seconded by Ms. Widmyer and unanimously approved.

7. **Barbara Miller, Director of Homeland Security and Emergency Management**, requested to use funds to Contract for Emergency Operations Plan Annexes.

Motion by Ms. Widmyer to approve the contract with J.H. Consulting, LLC in the amount of \$10,000 to complete an Emergency Operations Plan Annexes. Motion seconded by Ms. Morgan and unanimously approved.

8. **Interview and appointment to the Jefferson County Emergency Services Agency.**

Ed Boober was present and gave comments.

Motion by Ms. Widmyer to appoint Ed Boober to an unexpired term on the Jefferson County Emergency Services Agency ending November 2, 2012. Motion seconded by Mr. Pellish and unanimously approved.

#### **NEW BUSINESS:**

9. **Patricia Rucker, We the People of Jefferson County, West Virginia** request to use the Jefferson County Commission meeting room for a book lecture on Saturday, May 21, 2011.

Motion by Mr. Pellish to approve We the People of Jefferson County, West Virginia the use of the Jefferson County Commission meeting room on Saturday, May 21, 2011. Motion seconded by Mr. Manuel and unanimously approved.

10. **Request by Terry Simons and Paul Bevins** for the Commission to authorize the waiver of all or part of the fees associated with the construction work to be done by the youth of the WorkCamp Program on homes in and around Jefferson County during June 2011.

Motion by Mr. Pellish to approve the waiver of fees associated with the construction work to be done by the youth of the WorkCamp Program on homes in and around Jefferson County during June 2011, contingent upon Proof of Liability Insurance being provided. Motion seconded by Ms. Widmyer and unanimously approved.

- 11. Request from Bill Polk Director of Maintenance,** presented by Tim Boyde, County Administrator to approve the advertisement to fill a custodian position that will become vacant at the end of May due to an employee retiring.

Motion by Ms. Widmyer to approve the advertisement for a new hire to fill a custodian position that will become vacant at the end of May due to an employee retiring. Motion seconded by Mr. Pellish and unanimously approved.

The Commission directed staff to complete a resolution to be presented during the next regular meeting of the Commission.

### **COUNTY COMMISSIONER REPORTS:**

#### **Commissioner Morgan:**

- Reported that she attended a Board of Health meeting.
- Attended a Farmland Protection Board meeting
- Attended the Jefferson/Berkeley Day Report Center Board meeting.

#### **Commissioner Pellish:**

- Reported that he participated in a conference call to hold a Board Retreat for the Development Authority to be held on a Saturday in June.

#### **Commissioner Widmyer:**

- Reported that she attended PSD meeting and an Engineer has been hired. Kudos to Todd Fagan for his help.
- Attended a Watershed Implementation meeting.
- Reported that she ran in the 5K, sponsored by the Shepherdstown Day Care on Saturday, May 7, 2011.

#### **Commissioner Manuel:**

- Reported that he attended the NAACP Candidate Debate.
- Reminded everyone to get out and vote Saturday, May 14, 2011.

### **COUNTY ADMINISTRATOR REPORTS:**

- Reported a decision needs to be made concerning the 50% of the commission is returned back from the purchase of the McDaniel Hardwood Building. The funds must go to a 501C3.

Mr. Boyde will prepare options on how to distribute the funds.

- Reported that Teresa Warnick from Teen Court is leaving the area and a replacement has been hired.

### **AFTERNOON SESSION – WEST VIRGINIA LEGISLATORS**

**Commissioner Widmyer did not attend the afternoon session.**

**Delegation –Senator Herb Snyder, Delegate Tiffany Lawrence, Delegate Eric Householder and Delegate John Doyle** were present and gave comments regarding the following topics:

- Pension funding
- EPA mandates
- Marcellus Shale
- Smoking prevention in youth
- Transportation to the metro areas

The Legislators agreed to return in October 2011 to discuss new legislation.

There being no further business, motion by Mr. Pellish to adjourn. Motion seconded by Mr. Manuel and unanimously approved.

Upon rising the Commission recessed until Thursday, May 19, 2011 beginning at 9:30 o'clock a.m.

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DALE MANUEL, PRESIDENT PRO TEM