

Minutes

Jefferson County Commission

Thursday, June 23, 2011

A meeting of the Jefferson County Commission was held on Thursday, June 23, 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 Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of this June 23, 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 Morgan led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the June 9, 2011 public hearing as presented. Motion seconded by Ms. Morgan.

Motion by Ms. Morgan to approve the Minutes of the June 9, 2011 regular meeting as presented. Motion seconded by Mr. Pellish. Commissioner Noland abstained from voting as she was not present at the June 9, 2011 meeting.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders for June 23, 2011 in the amount of \$98,970.38 and being purchase order numbers 52893, 52895, 53150, 52854, 52858, 52860, 52869, 52870, 49552, 49553, 49383, 49384, 48388, 52856, 49597, 49599, 52861, 49436, 52864, 52857, 53018, 49524, 48115, 52865, 52866, 52871, and 53017. Motion seconded by Ms. Widmyer and unanimously.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the June 16, 2011 accounts payable in the amount of \$78,570.72. Motion seconded by Mr. Pellish.

Motion by Ms. Morgan to approve the June 23, 2011 accounts payable in the amount of \$392,640.99. Motion seconded by Ms. Morgan.

PUBLIC COMMENT

Public comment by: Thomas Cardamone of Harpers Ferry; Art Zimmer of Harpers Ferry; Keryn Newman of Shepherdstown.

PRESENTATIONS:

1. **Andrew P. Blake, Acting City Manager, City of Ranson**, requested that the Commission approve an ordinance annexing Alger's Auto Recycling, Inc. into the City of Ranson, West Virginia.

Motion by Ms. Morgan to approve the ordinance annexing 8.74 acres, more or less, owned by Alger's Auto Recycling, Inc.

pending legal review. Mr. Manuel seconded the motion and it was unanimously approved.

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

In Re: Annexation of Additional Territory of the City of Ranson Pursuant to West Virginia Code §8-6-4.

ORDER

A certificate of the governing body of the City of Ranson has this day filed showing that an annexation has been made, in the manner required by law, to the corporate limits thereof, and that by such annexation the said corporate limits are extended as follows:

A tract of land belonging in the Charles Town District bordering 16th Avenue and contiguous to the municipal boundaries of Ranson and more particularly described as follows:

Beginning at the northeast corner of the lands of Alger's Auto Recycling, Inc., and being a common boundary with 16th Avenue/Universal Forrest Products Road and also being the northeast corner of Parcel 3 as the same is more particularly shown on a plat made by Charles R. Atherton, CE, dated November 29, 1967, which is attached to a deed to Randolph Alger and Pauline Alger from Willard O. Lloyd and wife dated December 30, 1967 and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed Book 292 at Page 556, thence with the southern limit of 16th Avenue/Universal Forrest Products Road NW 60-00 419.9' to a point, said point being the northwest corner of Parcel 4, being the same tract conveyed under Randolph Alger and Pauline Alger from Willard O. Lloyd and wife by deed dated May 15, 1973 and recorded in the aforesaid Clerk's Office in Deed Book 358 at Page 501, and is more particularly shown on a plat made by Charles R. Atherton dated April 14, 1973 which is attached to that deed, thence with formerly the Lloyd residue SW 20-41 782.8' to a new point, thence with lands reserved in a deed from Pauline Alger to David Lee Alger, et al which is recorded in the aforesaid Clerk's Office in Deed Book 510 at Page 43 SE 76-27 312' to a point, thence SW 20-41 133' to the northern limit of an alleyway shown on the plat of the lands of the Charles Town Mining Manufacturing Improvement Company which is recorded in the aforesaid Clerk's Office in Deed Book X at Page 1 and being in the municipal line of the City of Ranson, thence with the northern limit of the alley and with the southern boundaries of Parcel 2 and 1 as the same are more particularly shown on tow plats, the first by Charles R. Atherton, RPE dated March 28, 1966 and recorded in the aforesaid Clerk's Office in Deed Book 279 at Page 457, and second by John Kusner dated September 4, 1964 and recorded in the aforesaid Clerk's Office in Deed Book 269 at Page 323, SE 75-30 227.88' thence to the western limit of an alleyway as shown on the aforesaid Charles Town Mining Manufacturing Improvement Company plat, thence with the alleyway NE 04-31 764.42' to a point, thence NE 25-30 37.3' to the point of beginning.

2. **Jennifer Maghan, County Clerk**, presented four (4) Depository Bonds to the Commission for approval and signature

Motion by Ms. Morgan to approve and execute the four (4) Depository Bonds presented by the County Clerk. Mr. Pellish seconded the motion and it was unanimously approved.

Mr. Manuel inquired about “bonuses” recently given out to the employees in the County Clerk’s office. Ms. Maghan explained that the bonuses were “time special pay” and came from a salary that was not utilized due to an employee’s absence.

3. **Roger Goodwin, Chief County Engineer**, requested:
 - a) A complete release of the construction bond security for Rattlesnake Run, Inc./Thomas Harding for the Oxford Meadows Subdivision, Lots 1-14 (File #06-07).

Motion by Ms. Morgan to approve the complete release of the construction bond security for Rattlesnake Run, Inc./Thomas Harding for the Oxford Meadows Subdivision, Lots 1-14 (File #06-07) presented by Mr. Manuel. Motion seconded by Mr. Pellish and unanimously approved.

- b) To accept and execute tolling of the construction bond for Avalon Hills Subdivision, Lots 1-14 and Residual Lots 1-14 (File #06-24).

Motion by Mr. Manuel to approve and execute tolling of the construction bond for Avalon Hills Subdivision, Lots 1-14 and Residual Lots 1-14 (File #06-24). Motion seconded by Mr. Pellish and carried 4 to 1. For the record, Ms. Morgan voted “no.”

4. **Steve Rawlings, West Virginia Risk Pool** presented background and the current status of the West Virginia Risk Pool Program.

Motion by Ms. Morgan to accept the West Virginia Risk Pool as the County’s Worker’s Compensation provider, continuing the current program. Motion seconded by Mr. Pellish and unanimously approved. Ms. Widmyer seconded the motion and it was unanimously approved.

The Commission took a 10-minute break at 10:45 a.m.

The Commission meeting reconvened at 10:55 a.m.

5. **Mark Schiavone, Director of Capital Planning & Management** requested approval of Revision D to the General Fund Budget.

Motion by Mr. Manuel to approve Revision D to the General Fund as presented. Motion seconded by Mr. Pellish and unanimously approved.

Mark Schiavone requested the Commission adopt four (4) impact fee studies.

Motion by Mr. Manuel to accept the impact fee reports. Motion seconded by Ms. Morgan and unanimously approved.

6. **Gabrielle Cory** was a “no show.” Motion by Ms. Morgan to strike Item No. 7 from the agenda. Motion seconded by Mr. Manuel and unanimously approved. In unanimous consent the Commissioners offered their comments on coal mining permitting.

7. **Lynn Fields, Probate Office** requested that the Commission execute the Order prepared by Ray Byrd, Esquire regarding the Estate of John J. Warfield.

The Commission took a 5-minute break at 11:25 a.m.

The Commission reconvened the meeting at 11:30 a.m.

Motion by Ms. Morgan approving Ray Byrd’s Order regarding the 2nd accounting of the Estate of John J. Warfield, which adopts David DeJarnett, Fiduciary Commissioner’s recommendations in part and incorporates

Judge Sanders' directives pursuant to his Order. Motion seconded by Mr. Manuel and unanimously approved.

8. **Commissioner Noland** initiated a discussion regarding working space issues for the Prosecutor's Office and the Magistrate. Jefferson County Prosecutor Ralph Lorenzetti and Magistrates Boober and Rissler voiced their concerns about the current situation.
9. **Commissioner Manuel** - request to approve and include two positions in the maintenance department (carpentry and auto mechanic) omitted from the final budget deliberation to be reinstated into next year's budget.

Motion by Mr. Manuel that two positions (1) auto mechanic and, (2) carpenter in the Maintenance Department be approved. Ms. Pellish seconded the motion. Ms. Morgan suggested dividing the motion into two parts.

Mr. Manuel restated the motion "to approve and add to this year's budget one (1) auto mechanic position in the Maintenance Department." Motion carried 3 to 2. Ms. Widmyer and Ms. Morgan voted "against."

Motion by Mr. Manuel "to approve and add to this year's budget one (1) carpenter position in the Maintenance Department." Motion carried 3 to 2. Ms. Widmyer and Ms. Morgan voted "against."

The Commission broke for lunch at 12:40 p.m.

The Commission reconvened the meeting at 1:35 p.m.

10. Motion by Mr. Pellish to convert the \$200,000.00 given to the Jefferson County Development Authority in 1988 by the state "grant" and close the books on this item. Motion seconded by Mr. Manuel and carried 4 to 1. Ms. Morgan voted "against."
11. Discussion was held on the proposed purchase of the Cement Hill Property.

Motion by Mr. Manuel to take the motion from the June 9, 2011 meeting off of the table. Motion seconded by Mr. Pellish. Ms. Morgan voted "against."

Motion by Mr. Pellish to rescind the \$100,000.00 in grant funds earmarked for the purchase of the Cement Mill Property. Motion carried 3 to 2. Ms. Widmyer and Ms. Morgan voted "against."

There was unanimous consent among the Commissioners that a letter should be sent to the State Highway Department stating that the Commission no longer desires to be the sponsor of the \$100,000.00 grant and recommends that the responsibility should be returned to the State Highway Department.

Martin Burke of the Jefferson County Historic Landmarks Commission will continue to negotiate with the owner of the Park Service until the Park Service is ready to proceed.

12. **Item # 12 has been stricken from the agenda.** The State Board of Health, local Board of Health and any interested parties are invited to meet at the Hotel in Shepherdstown, West Virginia on June 30, 2011 from 9:00 a.m. – 11:00 a.m. to discuss rules for cooking and food service.
13. **Request to approve Nancy Jean Malcolm as a Deputy Reserve with the Jefferson County Sheriff's Department.**

Motion by Mr. Manuel to approve Nancy Jean Malcolm as a Deputy Reserve with the Jefferson County Sheriff's Department. Motion carried 4 to 0 and unanimously approved.

14. **Request for approval of Resolution for the Governor's Community Participation Grant Program for the African American Community in the amount of \$16,400.00.**

Motion by Ms. Morgan to approve the Resolution for the Governor's Community Participation Grant Program for the African American Community. Motion carried 4 to 0.

Hall in the amount of \$16,400.00. Motion seconded by Mr. Manuel and unanimously approved.

JEFFERSON COUNTY COMMISSION

CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 23rd day of June, 2011 with a quorum present and passed the following

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Patricia A. Noland, Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive an amount pursuant to provisions of the Community Participation Program in the amount of \$16,400. The funds from this project will be used at the Fisherman’s Hall.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT

JEFFERSON COUNTY COMMISSION

10LEDA0352

15. Request for approval of Resolution for the Governor’s Community Participation Grant Program for the African American Community in the amount of \$8,000.00.

Motion by Ms. Widmyer to approve the Resolution for the Governor’s Community Participation Grant Program for the African American Community in the amount of \$8,000.00. Motion seconded by Ms. Noland and unanimously approved.

JEFFERSON COUNTY COMMISSION

CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 23rd day of June, 2011 with a quorum present and passed the following

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Patricia A. Noland, Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive an amount pursuant to provisions of the Community Participation Program in the amount of \$8,000. The funds from this project will be used at the Fisherman’s Hall.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT

JEFFERSON COUNTY COMMISSION

ATTESTED:

County Clerk

11LEDA0132

**16. Request for approval of Resolution, Contract and Agreement for the Governor’s Community Participation Grant
Black History Preservation Society/Historic Locke House in the amount of \$500.00.**

Motion by Mr. Manuel to approve the Resolution, Contract and Agreement for the Governor’s Community Participation Grant
Black History Preservation Society/Historic Locke House in the amount of \$500.00. Motion seconded by Mr. Pellish

JEFFERSON COUNTY COMMISSION
CHARLES TOWN, WV
RESOLUTION

The County Commission of Jefferson County, met on June 23rd, 2011 with a quorum present and passed the following Resolution

WHEREAS, The Jefferson County Commission has agreed to assist the Jefferson
County Black History Preservation Society to purchase materials and supplies needed to
continue restoration of the historic Locke House with funds made available through the
Governor’s Community Participation Grant program in the amount of \$500.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission hereby authorizes the President or
on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant
Governor’s Community Participation Grant Program.

Signed:

COUNTY CLERK

110LEDA0802

17. Request for approval of Resolution, Contract and Agreement for the Governor’s Community Participation Grant in the amount of \$8,400.00.

Motion by Ms. Widmyer to approve the Resolution, Contract and Agreement for the Governor’s Community Participation Grant in the amount of \$8,400.00. Motion seconded by Ms. Morgan and unanimously approved.

JEFFERSON COUNTY COMMISSION

CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 23rd day of June, 2011 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Patricia A. Noland, County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive a provision of the Community Participation Grant Program in the amount of \$8,400.00. This project is to assist in the Freedom’s 100K, allow runners and walkers to explore our land in a challenging and scenic marathon. This project will include equipment, promotion and other expenses.

Dated: _____

PATRICIA A. NOLAND
PRESIDENT

JEFFERSON COUNTY COMMISSION

ATTESTED:

County Clerk

18. Request for approval of Resolution, Contract and Agreement for the Governor’s Community Participation Grant in the amount of \$7,000.00.

Motion by Ms. Noland to approve the Resolution, Contract and Agreement for the Governor’s Community Participation Grant in the amount of \$7,000.00. Motion seconded by Ms. Widmyer and unanimously approved.

JEFFERSON COUNTY COMMISSION

CHARLES TOWN, WV

RESOLUTION

The Jefferson County Commission met on the 23rd day of June, 2011 with a quorum present and passed the following

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Patricia A. Noland, Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive a provision of the Community Participation Grant Program in the amount of \$8,400.00. This project is to assist in the Freedom's allow runners and walkers to explore our land in a challenging and scenic marathon. This project will include equipment, prom

Dated: _____

PATRICIA A. NOLAND
PRESIDENT

JEFFERSON COUNTY COMMISSION

ATTESTED:

County Clerk

19. Proposed Land Development Fee Schedule and Building Permit Changes.

Motion by Ms. Morgan to approve all new fees in the amount recommended by Staff. Motion seconded by Ms. Widmyer and Mr. Pellish voted "against."

Motion by Ms. Morgan to implement an increase in existing fees as recommended by Staff. Motion seconded by Ms. Manuel and Mr. Pellish voted "against."

20. Request for approval of job offer to Dawn Childs to fill vacant Office Manager position in the Department of Planning and Zoning

Motion by Ms. Widmyer to approve Dawn Childs to fill the vacant Office Manager position in the Department of Planning and Zoning Department budget. Ms. Morgan seconded the motion and it was unanimously approved.

Commissioner Pellish left the meeting at 3:00 p.m.

COUNTY ADMINISTRATOR REPORTS:

- Presented a list of FY 2013 non-profit budget requests.
- Reported on the benefits of the County's purchase of Lot 18 a/k/a JEDECO.
- Reported that a draft job description for the County's proposed Chief Financial Officer is currently being prepared.
- Advised that the 4th of July is a holiday and the majority of Jefferson County Offices will be closed.
- Praised the Staff at the 911 Center for an exemplary job using portable equipment when fire broke out at the C

COUNTY COMMISSION REPORTS:

Commissioner Widmyer:

- Attended the presentation on the Commerce Corridor in Ranson.
- Attended the WVACO Regional Wrap-Up of State Legislation.
- Attended the Rt. 340 Gateway meeting.
- Attended the “Zip Line” Opening at River Riders.
- Attended a meeting of the Jefferson County Homeowners’ Association – now Eastern Panhandle Homeowners’ Assoc
- Attended an Eastern Panhandle Regional Transportation meeting.

Commissioner Manuel:

- Visited Alex’s Lemonade Stand in Briar Run – young people involved in the fight against childhood cancer.
- Attended a Horsemen and Breeders’ Professional Association meeting.
- Gave a presentation on Robert’s Rules of Order at a Planning Commission meeting.
- Attended a redistricting meeting.
- Attended the Duffields Days tour and railroad station.
- Reported that the next Jefferson County Emergency Services Agency meeting is June 28, 2011 with the stakeholders to
- Attended a Maintenance Program meeting.

Commissioner Morgan:

- Attended a Farmland Protection Board meeting.
- Attended the Horsemen and Breeders’ Professional Association meeting.
- Attended the WVACO legislative update meeting in Berkeley Springs, West Virginia.
- Attended a redistricting meeting.
- Attended a geotourism initiative meeting in Shepherdstown, West Virginia.
- Attended Duffields Days tour.
- Attended a civil war history presentation.

Commissioner Noland:

- Attended the NACO in Washington, DC.

There being no further business, motion by Ms. Widmyer to adjourn. Motion seconded by Mr. Manuel and unanimously approved.
p.m.

Upon rising the meeting was adjourned until Thursday, June 30, 2011.

Patricia A. Noland, President

Patricia A. Noland, President
