

Minutes
Jefferson County Commission
Thursday, July 14, 2011

Revised 07-18-11

A meeting of the Jefferson County Commission was held on Thursday, July 14, 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 July 14, 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

Regarding the June 30, 2011 Minutes and draft Order setting forth the Commission's approval of Shenandoah Professional Center, LLC's rezoning request, Ms. Widmyer clarified her objections to the rezoning process and requested that the Order be amended to include her clarification. She suggested that the vote on the June 30, 2011 Minutes be held until the Wednesday, July 20, 2011 meeting.

Motion by Mr. Manuel to place the Minutes of the June 30, 2011 meeting on the agenda for next week, Wednesday, July 20, 2011, to allow Ms. Grove time to amend the Order. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the July 7, 2011 meeting as amended. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$19,460.67, being purchase order numbers: 52973, 49361, 52908, 53048, 53050, 53053, 49551, 49556, 48390, 53045, 53044, 53046, 53047, 53049, 53052, 53029, 53054, 52936, 52965, 52964, 52961, 49526 and 52934. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Jennifer Brockman, Director of the Planning & Zoning Department, introduced the new Office Manager of the Planning and Zoning Department , Dawn Childs, to the Commissioners.

UNFINISHED BUSINESS:

6. **Tim Boyde, County Administrator**, request for approval of job description for the Director of Financial Management and permission to place the employment ad in the appropriate places.

Motion by Mr. Manuel to approve the job description for the Director of Financial Management and to authorize placement of the ad for employment in the appropriate media. Motion seconded by Mr. Pellish.

Ms. Widmyer amended the motion to add under Essential Functions of the position the requirement that “the Director of Financial Management prepare for public review an annual summary of the budget which explains in layman’s terms what the Commission has done in terms of the General Fund, County funds and other financial information.” Mr. Manuel seconded the amendment and it was unanimously approved.

Jennifer Maghan, County Clerk, requested permission to speak to the Commission. Ms. Maghan requested that she be allowed to review a copy of the Job Description for the proposed Director of Financial Management and asked that the County Commission share with the County Clerk’s Office any information regarding a possible hire of a Director of Financial Management for the County. Ms. Maghan further advised that County finances, pursuant to West Virginia Code, are the responsibility of the County Clerk’s Office, that the Clerk’s Office has competent and knowledgeable staff who are capable of carrying out the required financial functions and this should be considered before hiring a Director of Financial Management.

The Commission voted on Mr. Manuel’s original motion to approve the job description for the Director of Financial Management and to authorize placement of the ad for employment in the appropriate media. Motion was unanimously approved.

PRESENTATIONS:

2. Interviews and Appointments to the following:

A. Summit Point Library Committee – One 5-year term ending June 30, 2016

Motion by Ms. Morgan to reappoint Curt Mason for a 5-year term on the Summit Point Library Committee ending June 30, 2016. Motion seconded by Mr. Manuel and unanimously approved.

B. Jefferson County Parks and Recreation Commission – three 3-year terms ending June 30, 2014 and one unexpired term ending June 30, 2012.

Applicants interviewed: Daniel McVicar
Adam Shively
Joan O’Dell
Todd McKinney

Ms. Morgan and Mr. Pellish nominated Mr. McVicar. Mr. Manuel nominated Mr. Shively. Ms. Widmyer nominated Mr. McKinney.

Motion by Mr. Manuel and seconded by Ms. Morgan that the nominations be closed and that the three nominees be appointed to the three 3-year terms ending June 30, 2014. Motion was unanimously approved.

By unanimous consent the Commission will hold open for two weeks and advertise the one unexpired term. Ms. O’Dell’s resume will be retained to be considered in two weeks.

1. Darlene Truman and Adam Shively of RAI Alliance Incorporated presented the Jefferson County

Parks and Recreation Commission with a check in the amount of \$2,925.00 to be used, directed by the Jefferson County Commission, as scholarships for children in need of financial assistance. Such funds consist of the realty fee from the County's purchase of Lot 18, Bardane.

2. Interviews and Appointments Continued:

C. Jefferson County Board of Health – one 5-year term ending June 30, 2016

Applicants interviewed: Dr. Joe Osterman
Thomas Trumble

Motion by Mr. Pellish to nominate Thomas Trumble to the 5-year term on the Jefferson County Board of Health ending June 30, 2016. Motion seconded by Mr. Manuel. Motion closed by Mr. Manuel, seconded by Ms. Morgan and unanimously approved.

The Commission took a 5-minute break at 11:00 a.m.

The Commission reconvened at 11:05 a.m.

Interviews and Appointments Continued:

D. Eastern Panhandle Regional Planning and Development Council – 1-year term ending June 30, 2012

By unanimous consent this agenda item was continued until next week's meeting on Wednesday, July 20, 2011 to allow staff time to contact Tom Bayuzik regarding any interest he might have in re-applying for the appointment.

E. Jefferson County Property Safety Enforcement Agency – one 1-1/2 year term ending December 31, 2012 (must be a Fire Chief)

Motion by Ms. Morgan to re-appoint Ben Money to the 1-1/2 year term on the Jefferson County Property Safety Enforcement Agency ending December 31, 2012. Motion seconded by Mr. Manuel and unanimously approved.

F. Jefferson County Emergency Services Agency – one unexpired term ending November 2, 2013 (Citizen Representative)

Applicant interviewed: Jason Carlson

The Commission requested that Mr. Carlson provide background information on himself and suggested that Sandy McDonald, Deputy County Administrator, obtain this information from him. Because Mr. Carlson had previously been a fireman, the Commission opted to have its attorney, Steve Groh, research the issue and advise them if he would legally qualify as a "citizen representative" if appointed.

Ms. Widmyer suggested that a letter, certificate or resolution be prepared for Michael Alvarez,

who is retiring from his position with the Jefferson County Emergency Services Agency after many years of dedicated service to the County and his outstanding achievements. All Commissioners were in agreement and requested that Mr. Boyde have a Resolution prepared and schedule a date for the presentation.

- 3. Mark Schiavone, Director of Capital Planning and Management – request to approve the revision to the Coal Severance Fund (Fund 002) as required by the Sate Auditor’s Office.**

Ms. Morgan made a motion to approve the revision to the Coal Severance Fund (Fund 002) as presented by Staff. Mr. Manuel seconded the motion and it was unanimously approved.

- 5. Bill Polk, Maintenance Director requests:**

- A. Approval to start negotiations with Minghini’s General Contractors for repair of Courthouse columns.**

Motion by Mr. Manuel to authorize Mr. Polk to enter into negotiations with Minghini’s General Contractors to obtain a price to evaluate the cost of repairing the columns on the front of the Courthouse. Motion seconded by Ms. Widmyer and unanimously approved.

- B. Approval to award the HVAC bid to Craigo Service Company so that HVAC maintenance and/or repair as stipulated in the Energy Grant can begin.**

Motion by Mr. Manuel to approve the award of the HVAC bid to Craigo Service Company for HVAC maintenance and/or repair as stipulated in the Energy Grant. 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 \$504,323.18. Motion seconded by Mr. Manuel and unanimously approved.

PRESENTATIONS continued:

- 7. One unexpired term ending November 2, 2013 (Citizen Representative) – Jefferson County Emergency Services Agency revisited.**

Attorney Steve Groh informs the Commission that there is no legal problem with Jason Carlson, who has a fire fighting background, being appointed to serve in the Jefferson County Emergency Services Agency for the unexpired term ending November 2, 2012 as a “citizen representative.”

Motion by Ms. Widmyer to re-open the appointment process and place Jason Carlson into the applicant pool. Ms. Morgan seconded the motion and it was unanimously approved.

NEW BUSINESS:

- 7. Mr. Boyde advised the Commission that he had researched the properties available for sale within a 4 to 5 mile radius of the Courthouse through the multi-list service. The Stephenson Building was the**

only property on the market in the search area that would be large enough to serve the County's space needs.

Motion by Ms. Widmyer to authorize the placement of an ad in the appropriate media stating as follows: 'The Jefferson County Commission is in the process of exploring options for providing additional office space for County operations. As part of that process, the Commission is seeking expressions of interest from property owners within three (3) blocks of the Courthouse who might have property available either for sale or lease. Please contact Tim Boyde, County Administrator, at (304)728-3284. All inquiries will be confidential and must be submitted by August 5, 2011.' Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Noland to authorize Tim Boyde, County Administrator, to begin negotiations for the purchase and/or lease of the office building located at the intersection of George and Liberty Streets that will address the space needs of the Prosecuting Attorney, the Jefferson County Magistrates and the County Commission and possibly other offices, and that the County Commission shall schedule a public hearing at the earliest possible date taking into consideration the time necessary for public notice. Motion seconded by Mr. Pellish.

Mr. Pellish made a motion to call the question. Ms. Noland seconded the motion. A vote was taken and the motion was defeated 2 to 3 with Ms Widmyer, Mr. Manuel and Ms. Morgan voting "against."

Ms. Widmyer asked if the motion was divisible and stated that the public hearing portion should be a separate motion. Ms. Noland advised that the motion was divisible and deleted the portion of her motion that stated "that the County Commission schedule a public hearing at the earliest possible date taking into consideration the time necessary for public notice." Ms. Noland's motion then read "to authorize Tim Boyde, County Administrator, to begin negotiations for the purchase and/or lease of the office building located at the intersection of George and Liberty Streets that will address the space needs of the Prosecuting Attorney, the Jefferson County Magistrates and the County Commission and possibly other offices." A vote was taken on the motion and carried 3 to 2, with Ms. Widmyer and Ms. Morgan voting "against."

A vote was taken on the portion of the original motion which states "the County Commission shall schedule a public hearing at the earliest possible date taking into consideration the time necessary for public notice." The motion was unanimously approved. The language will be reviewed by the County Commission at a subsequent date.

COUNTY ADMINISTRATOR REPORTS:

- Mr. Boyde reported that he has prepared a travel policy which has been reviewed by the Department Heads and Electeds and it will be submitted to the Commission for review and approval within the next two weeks.
- Reported that he has been in negotiations with the vendor for the County health insurance. Mr. Boyde expects to bring two options before the County Commission on July 28, 2011. Ed Sloanaker will be present at the meeting that week.
- Reminder that the July 21, 2011 meeting has been rescheduled to Wednesday, July 20, 2011. Notices have been posted and sent.

COUNTY COMMISSION REPORTS:

Commissioner Morgan:

- Attended a Farmland Protection Board meeting. A special meeting was scheduled for Friday, July 15, 2011.
- Reported that she will be attending a Quarterly Farmland Protection Board meeting in Pocohantas County, West Virginia next week.

Commissioner Pellish:

- Attended an Economic Development Authority Committee meeting.
- Attended a Planning Commission meeting.

Commissioner Widmyer:

- Attended a Phase II, Watershed Implementation Study Plan for Elected Officials.
- Attended a Space Needs Subcommittee meeting.

Commissioner Manuel:

- Attended a Town Meeting with Senator Joe Manchin – “Common Sense Solutions.”
- Attended a Space Needs Subcommittee meeting.

Commissioner Noland:

- No meetings this week.

Motion by Mr. Manuel to adjourn the meeting. Motion seconded by Ms. Noland and unanimously approved. The meeting was adjourned at 12:40 p.m.

Upon rising the meeting was adjourned until Wednesday next, July 20, 2011 at 9:30 a.m.

PATRICIA A. NOLAND, PRESIDENT

