

Minutes
Jefferson County Commission
Thursday, September 8, 2011

Amended 09-15-11

A meeting of the Jefferson County Commission was held on Thursday, September 8, 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, Nichelle Hosby, Executive Assistant and Jimmy Eddy, Bailiff. (An audio tape of this September 8, 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 Mr. Manuel to approve the Minutes of the September 1, 2011 meeting as amended. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$27,860.94, being purchase order numbers: 53212, 53134, 50508, 53179, 53137, 53136, 53135, 53092, 53133, 50509, 53128. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE:

Motion by Ms. Morgan to approve the accounts payable for August 25, 2011 in the amount of \$52,738.00. Motion seconded by Mr. Pellish and unanimously approved.

PUBLIC COMMENT

Jacquelyn Milliron presented comments relating to the WV Public Service Commission decision not to approve the Flowing Springs Water Sewage Treatment Plant.

Chad Wallen gave comments on behalf of Catherine Hott requesting the County Commission hold a Public Hearing on the Hott rezoning application.

Presentations:

- 1. Jennifer Brockman, Director of Planning and Zoning presented recommendation of the Planning Commission on the landowner-initiated petition to amend the County Zoning Map for portions of properties known as the Hott Property, designated as Tax Map 15, Parcel 47 and 56**

Harpers Ferry District located at the southwest corner of Route 9 near the Virginia State line.

Jennifer Brockman gave a brief background on the landowner-initiated petition to amend the County Zoning Map.

Stephanie Grove, Assistant Prosecuting Attorney provided additional comments.

Motion by Mr. Manuel to hold a Public Hearing concerning the Hott Property Rezoning and for Mr. Boyde to find an appropriate date. Motion seconded by Mr. Pellish and unanimously approved.

Mr. Boyde and Ms. Brockman recommended Thursday, October 6, 2011 at 7:00 p.m. at a location to be determined.

NEW BUSINESS:

2. Funding Resolution – Farmland Protection Board.

Commissioner Morgan motioned for staff to contact Liz Wheeler to expand upon language in the Farmland Protection Funding Resolution to include totals of collected Transfer funds in years present and past and ask that the request of funds be granted. Motion seconded by Mr. Manuel and unanimously approved.

3. Approval of Lease – 201 North George Street, Charles Town, WV.

Ralph Lorenzetti, Prosecuting Attorney and Stephanie Grove, Assistant Prosecuting Attorney was present and gave comment.

Ms. Grove recommended an Executive Session to discuss particulars regarding lease negotiations.

The Commission agreed to continue with the agenda items and enter into the Executive Session upon completion of the agenda.

4. Request for selection of a date for public hearing concerning combined fire and ambulance fee to be instituted by the County (DM).

Motion by Mr. Manuel to start the process of working with volunteer firefighters and their representatives and the Emergency Services Agency to schedule a public hearing concerning a combined fire and ambulance fee to be instituted by the County. Motion seconded by Ms. Widmyer and unanimously approved.

Marty Freeman, member of the Emergency Services Agency Board was present and made comment.

5. Resolution – National Moment of Remembrance of the 10th Anniversary of September 11th, 2001.

Ms. Morgan recommended a change of wording in the resolution from honor to remembrance.

Motion by Mr. Pellish to approve the Resolution for the National Moment of Remembrance of the 10th Anniversary of September 11th, 2001 with the recommended word change. Motion seconded by Ms. Morgan and unanimously approved.

RESOLUTION

The Jefferson County Commission Joining the National Moment of Remembrance of the 10th Anniversary of September 11th

WHEREAS, the governing body of Jefferson County Commission expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in remembrance of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

WHEREAS, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

WHEREAS, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

WHEREAS, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

WHEREAS, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

WHEREAS, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

WHEREAS, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

WHEREAS, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

WHEREAS, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

WHEREAS, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

WHEREAS, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

WHEREAS, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

WHEREAS, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

WHEREAS, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

WHEREAS, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

WHEREAS, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

WHEREAS, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111–13; 123 Stat. 1460); and

WHEREAS, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

WHEREAS, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

NOW, THEREFORE BE IT RESOLVED that the governing body of Jefferson County Commission:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

BE IT FURTHER RESOLVED that on the 10th anniversary of this tragic day in United States history the governing body of the Jefferson County Commission calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

BE IT FURTHER RESOLVED that the governing body of the Jefferson County Commission encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Adopted this 8th day of September, 2011 by the Jefferson County Commission

Patricia Noland, President

Dale Manuel, Commissioner

Lyn Widmyer, Commissioner

Walt Pellish, Commissioner

Frances Morgan, Commissioner

6. Resolution of the Postal Area Mail Processing (AMP).

RESOLUTION

WHEREAS, the County Commission of Jefferson County acknowledges that the US Postal Service is conducting an Area Mail Processing (AMP) study at the Martinsburg Postal Facility and;

WHEREAS, all areas with postal zip codes beginning with 254 will be affected and;

WHEREAS, all mail set from the 254 area to the 254 area will no longer arrive next day and;

WHEREAS, outgoing mail being transported to Baltimore for processing will likely experience delays and;

WHEREAS, it is likely that some local postal customers will not receive their mail until after 5pm and;

WHEREAS, that moving our mail processing to Baltimore will make our local delivery service unreliable and;

WHEREAS, that this move could result in job losses to some current employees of the Martinsburg Post Office and;

THEREFORE, BE IT RESOLVED, that the County Commission of Jefferson County resolves to go on record in opposition to the mail consolidation plan.

Adopted this 8th day of September, 2011:

Patricia Noland, President

Dale Manuel, Commissioner

Lyn Widmyer, Commissioner

Walt Pellish, Commissioner

Frances B. Morgan, Commissioner

Motion by Ms. Widmyer to approve the Resolution of the Postal Area Map Processing study.
Motion seconded by Mr. Manuel and unanimously approved.

The Commission directed staff to send copies to State and Federal legislators and the President.

7. Approval of Lease – 201 North George Street (continued).

Magistrate Gail Boober was present and made comments.
Magistrate William Senseney was present.

The Commission took a 10 minute break at 11:10 a.m.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

- Reported on the Space Needs Subcommittee meeting he attended.
- Reported on the department head meeting he attended.
- Reported on the forthcoming budget revisions.
- Reported on the AS400 that has a warranty expiration date approaching.

COUNTY COMMISSIONER REPORTS:

Commissioner Widmyer:

- Reported on the Public Service District meeting she attended.

Commissioner Manuel:

- Attended the Space Needs Subcommittee meeting.
- Attended the Affordable Housing meeting.
- Announced the Sam Michael's Yard Sale on Saturday from 8 a.m. – 2 p.m.

Commissioner Morgan:

- Attended the Board of Health meeting.
- Announced that there are two meetings tonight at 7:00 p.m.:
 - Ranson Renewal at Washington High School
 - Geo History Project in Shepherdstown

Commissioner Pellish:

- Announced he was a guest speaker at Shepherdstown Men's Club on Labor Day.

Commissioner Noland:

- Attended the Public Service District meeting.
- Attended the Affordable Housing meeting.

Motion by Mr. Manuel to enter into an Executive Session. Motion seconded by Ms. Widmyer and unanimously approved. The Commission concluded the Executive Session and reconvened its regular meeting.

Stephanie Grove, Assistant Prosecuting Attorney stated that the Executive session was to discuss Lease negotiations and two other pending litigations.

Motion by Ms. Widmyer to authorize Mr. Boyde to enter into negotiations regarding 201 North George Street. Motion seconded by Mr. Pellish and unanimously approved.

There being no further business, Ms. Morgan made a motion to adjourn the meeting. Mr. Manuel seconded the motion and it was unanimously approved.

Upon rising the meeting was adjourned until Thursday, September 15, 2011 at 9:30 a.m.

PATRICIA A. NOLAND, PRESIDENT