

Minutes

Jefferson County Commission

Thursday, October 27, 2011

A meeting of the Jefferson County Commission was held on Thursday, October 27, 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, Lyn Widmyer, Frances Morgan and Walt Pellish. Also present were Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of this October 27, 2011 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Widmyer to approve the Minutes of the **October 20, 2011 regular meeting** as presented. Motion seconded by Mr. Manuel and approved 4 – 0. Ms. Morgan abstained from voting as she was not present at the meeting.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$30,866.79, being purchase order numbers: 48825, 50538, 50540, 47690, 53237, 53231, 53232, 50594, 50598, 53264, 53184, 53185, 53183, 48067, 50593, 50595, 50596, 50597, 50431, 50432, 50599 and 49534. Motion seconded by Mr. Pellish and unanimously approved.

PUBLIC COMMENT:

Gary W. Hornbaker, Berryville, VA rents a field from William Leedy and voiced his concern about a shooting incident involving the 340 Defense Shooting Range and children and parents enjoying a hayride in Mr. Leedy's adjacent field.

William Leedy, Berryville, VA owns the field where Mr. Hornbaker states the shooting incident happened. Mr. Leedy also expressed concern over the lack of safety measures by 340 Defense Shooting Range. Mr. Leedy also mentioned that a "cease and desist order" was in place against 340 Defense Shooting Range.

David Danner, Harpers Ferry, WV and his family were on the hayride and stated his concern over the safety issue with 340 Defense Shooting Range.

Raymond Tachoir, Charles Town, WV co-owner of the 340 Defense Shooting Range. Mr. Tachoir stated that he was not aware of any safety violations, but if in fact they did exist he would make sure they were corrected and all safety measures were in place. Mr. Tachoir denied the existence of a "cease and desist order."

Kay Bresee, Charles Town, WV offered her comments on the proposed magisterial redistricting plan.

Fred Blackmer, Harpers Ferry, WV also commented on the proposed magisterial redistricting plan.

Jennifer Maghan, Jefferson County Clerk, commented on the Commission's approval of proposed Director of Finance. Ms. Maghan also thanked Nikki Painter of the County Clerk's Office and Todd Fagan, Director of the GIS

Department for the excellent job they did in aligning the voting precincts to the proposed magisterial map.

David Tabb, Charles Town, WV presented the Commission with an update on the situation with the stoplight for the CDT at Koontz Road and Rt. 340.

The Commission took a short break at 9:58 a.m.

The Commission reconvened the meeting at 10:00 a.m.

PRESENTATIONS:

- 1. Magisterial Redistricting** – presentation of how the magisterial redistricting would work by Nikki Painter of the County Clerk’s Office and Todd Fagan, Director of the GIS Department.

Motion by Ms. Widmyer to establish a public hearing date on the proposed draft of the magisterial redistricting and voting precincts that have been proposed by the County Clerk’s Office and the public hearing should be held as soon as possible with at least two weeks public notice. Ms. Morgan seconded the motion.

Subsidiary motion by Mr. Manuel that the Commission consider postponing the vote to a later time on this date after the Legal Department reviews the issue and makes a recommendation to the Commission. Ms. Morgan seconded the motion and motion passed 3 – 2, with Mr. Pellish and Ms. Widmyer voting “no.”

The Commission took a short break at 10:26 a.m.

The Commission reconvened the meeting at 10:36 a.m.

NEW BUSINESS:

- 8, 9, & 10. Requests by Jeffrey A. Polczynski, ENP – Director of Communications, Emergency Communications**, for the appointment of three full-time Public Safety Dispatchers II, at Grade III, Step A in the Emergency Communications Center, being Ms. Christine McIntyre, Mr. Timothy Seibel and Mr. Daniel Henderson, with a starting date to be determined by the Director of Communications.

Motion by Mr. Manuel to approve Ms. Christine McIntyre, Mr. Timothy Seibel and Mr. Daniel Henderson as Public Safety Dispatchers II, at Grade III, Step A, in the Emergency Communications Center, starting date to be determined by the Director of Communications. Motion seconded by Ms. Widmyer and unanimously approved.

PRESENTATIONS continued:

- 3. Jason Gerhart of William H. Gordon Associates** request to approve a refund in the amount of \$2,178.00 payable to “Sur-Loc Flooring Systems, Inc.” as a result of the reduction of the proposed building size.

Upon recommendation of Rebecca Burns of the County Engineering Department, **motion** by Ms. Morgan to refund to “Sur-Loc Flooring Systems, Inc.” twenty-five percent (25%) of the original amount paid or \$1,205.00. Motion seconded by Mr. Manuel and unanimously approved.

NEW BUSINESS continued:

- 11. Jane M. Edwards, Volunteer at the Hospitality Center, Charles Town Presbyterian Church** request to use the County Commission Meeting Room on Wednesday mornings from 9:30 to 10:45 a.m. to hold yoga

classes for homeless members of the community.

Motion by Ms. Morgan to deny the request for use of the Meeting Room and to direct Staff to send a letter of denial explaining the reason. Motion seconded by Mr. Pellish and unanimously approved.

12. **Anna Stead, Business Community Liaison, Harpers Ferry Job Corps Civilian Conservation Center** request that the Commission send letters of support to Congress for the Harpers Ferry Job Corps.

Motion by Ms. Widmyer to approve sending letters of support to Congress with the addition of a paragraph at the beginning of the letters describing some of the projects that the students of the Harpers Ferry Job Corps have done for Jefferson County. Motion seconded by Mr. Manuel and unanimously approved.

PRESENTATIONS continued:

4. **Barbara Miller, Director of Homeland Security and Emergency Management** request to approve the contract with J. H. Consulting, LLC to provide services to the JCHSEM in connection with a grant to update the County's COOP (Continuity of Operations Plan).

Motion by Mr. Manuel to approve and award the contract to provide services to the JCHSEM in connection with a grant to update the County's COOP (Continuity of Operations Plan) to J. H. Consulting, LLC. Motion seconded by Mr. Pellish and unanimously approved.

NEW BUSINESS continued:

13. **Patsy Noland** request that all Boards and Commissions created by the Jefferson county Commission provide quarterly reports to the County Commission on proposed projects along with an overview of current projects.

Ms. Widmyer suggested that the reports should be uniform in appearance. It was recommended that the reports should be a one page written document or they could be oral. The documents should contain an alphabetical listing of projects undertaken, projects completed and projects proposed. No long paragraphs.

Motion by Ms. Noland that all Boards and Commissions created under the Jefferson County Commission provide reports to the County Commission on a quarterly basis due January 1st, April 1st, July 1st and October 1st of each year, and that the reports be either oral or written but all must use an alphabetical format listing projects undertaken, projects completed and projects proposed. Mr. Pellish seconded the motion.

Amendment to motion by Mr. Manuel wherein Mr. Boyde shall take the suggestions regarding alphabetical listing of projects undertaken, projects completed and projects proposed and insert them into a policy that will back up what has been recommended herein. Amendment seconded by Mr. Pellish and carried 4 – 1 with Ms. Morgan voting “no.”

A vote was taken on the **original motion as amended** and the amended motion carried 4 – 1 with Ms. Morgan voting “no.”

PRESENTATIONS continued:

5. (a) **Roger Goodwin, Chief County Engineer** request complete release of the remaining \$135,803.00 construction bond amount for Summit Point Automotive Research Center LLC – SPARC Driveway Relocation (File #S10-01).

Motion by Mr. Pellish to approve the complete release of the remaining \$135,803.00 construction bond amount for Summit Point Automotive Research Center LLC – SPARC Driveway Relocation (File #S10-01).

Motion seconded by Ms. Noland and unanimously approved.

(b) Request for the complete release of the remaining \$30,040.00 cash in escrow surety from the construction bond agreement for Cambridge, LLC – Cambridge Manufactured Mobile Home Development, Lots D99 & D102 (File #09-21).

Motion by Mr. Manuel to approve the complete release of the remaining \$30,040.00 cash in escrow surety from the construction bond agreement for Cambridge, LLC – Cambridge Manufactured Mobile Home Development, Lots D99 & D102 (File #09-21). Motion seconded by Mr. Pellish and unanimously approved.

Amendment to the Motion by Ms. Morgan that the release is actually a substitution of a Columbia Bank Credit for the remaining \$30,040.00 on cash. Amendment seconded by Mr. Manuel and unanimously approved.

6. **Mark Schiavone, Director of Capital Planning & Management** – request to modify the FY2012 Capital Improvement Plan for the Impact Fees to include additional request from Jefferson County Emergency Services for additional chase vehicles.

Motion by Mr. Manuel to amend the FY2012 Capital Improvement Plan to include an additional project as submitted by the Jefferson County Emergency Service Agency. Mr. Pellish seconded the motion and it was unanimously approved.

Mr. Manuel **moved to amend** the memorandum on the Impact Fee fundable projects by placing the acquisition of a chase vehicle on that list. Amendment seconded by Mr. Pellish and unanimously approved.

ACCOUNTS PAYABLE:

Motion by Ms. Morgan to approve the accounts payable in the amount of \$488,681.79, subject to Mr. Boyde's review and approval of an item in question. Motion seconded by Mr. Manuel and unanimously approved.

NEW BUSINESS continued:

14. **Patsy Noland** – request to determine the relationship of the County Commission to the Emergency Services Agency and discuss how the County Commission can best meet the funding needs of volunteer fire companies.

Ms. Noland requested that Mr. Boyde confer with the Legal Department, have Legal make an analogy and report back to the Commission.

Pete Kelly, President of the Jefferson County Emergency Services Agency, attempted to clarify the relationship between Emergency Services and the Jefferson County Commission.

15. **Tim Boyde** request approval to hire Paul Schroyer as Director of Financial Management for Jefferson County, at a starting annual salary of \$75,000.00, effective November 14, 2011.

Motion by Ms. Morgan to hire Paul Schroyer as Director of Financial Management for Jefferson County, at a starting annual salary of \$75,000.00, effective November 14, 2011. Motion seconded by Mr. Pellish and unanimously approved.

PRESENTATIONS continued:

1. **Magisterial Redistricting.** The Commission discussed the proposed redistricting and the proposed voting precincts. The Commissioners asked if the Commission was required to hold a public hearing on these matters and, if so, what are the time frames for public notice. Stephanie Grove, attorney for the County Commission, advised that the Commission was not required to hold a public hearing. Ms. Grove will research the time frames for public notice of the hearings and advise the Commission this afternoon.

The Commission broke for lunch at 12:30 p.m.

The Commission reconvened its regular meeting at 1:30 p.m.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

- Met with the contractor and subcontractor regarding the columns at the courthouse. After removing a boot from one of the columns it appears that the columns are in considerable disrepair. Contractors will meet with the engineer and others to obtain proposals for repair work. Additionally, the boxwoods in front of the courthouse still remain a problem.
- Met with Loudoun County officials, Jefferson County representatives and Senator Snyder regarding the Mutual Aid Agreement issues. Conference call on Friday with the Governor's task force regarding working toward a resolution.

Motion by Ms. Widmyer to recess as the Jefferson County Commission and convene as the **Jefferson County Fiduciary Review Board** to hear two matters of probate. Motion seconded by Ms. Morgan and unanimously approved. (See separate Minutes for this date.)

The Jefferson County Commission reconvened at 2:30 p.m.

COUNTY ADMINISTRATOR REPORTS continued:

- Attended a Jefferson County Emergency Services Agency meeting regarding fire fees and its public relations campaign.
- Met with IKON (copier) representatives. Discussed the possibility of leasing 10 – 15 copiers and the savings that the County could recognize over a 5-year period. Discussions ongoing.
- The instructor for the Robert's Rules class has agreed to hold a sexual harassment seminar.
- On Wednesday, November 2, 2011 Don Jacobs will be training Department Heads in Performance Management.
- Advised that at the time of this meeting, there is nothing scheduled for the Thursday, November 10, 2011 agenda and inquired if the Commission would like to wait to meet until the next Thursday, November 17, 2011. The Commissioners elected to proceed with the regular meeting on November 10, 2011.
- Reminded the Commissioners that the filing date for the redistricting lawsuit is approaching and that the needed to make a decision as to whether or not they want to join. Advised that this item is on the agenda for November 3, 2011 for discussion.
- Regarding the County's new cable Channel 17, Mr. Boyde informed the Commission that a Press Release was being distributed to the media on this date.

NOTE: At 2:49 p.m. Stephanie Grove, attorney for the County Commission joined the meeting to answer the Commissioners legal questions regarding magisterial redistricting actions. She explained that the Commission is not required to hold a public hearing, but if it intends to do so, 30 days public notice must be given to the public and written notice must be posted on the door of the Courthouse in each district. If the Commission receives comments

and makes any significant changes to the proposed redistricting map, the timeline starts over and the Commission must post notices allowing the public 30 days to review the changes and submit comments before the next public hearing.

Motion by Ms. Widmyer to schedule a public hearing on Thursday, November 10, 2011 at 7:00 p.m. in the County commission Meeting Room on the proposed magisterial districts and related precinct boundaries as presented in draft form on this date and start the 30-day clock running. Motion seconded by Mr. Pellish and unanimously approved.

UNFINISHED BUSINESS:

7. Appointment to the Building Commission to fill an unexpired term ending July 27, 2014.

Motion by Ms. Morgan to approve and appoint Larry Togans to the Building Commission to fill an unexpired term ending July 27, 2014. Motion seconded by Mr. Manuel and carried 4 – 1 with Ms. Widmyer voting “no.”

COUNTY COMMISSION REPORTS:

Commissioner Widmyer:

- Attended a joint meeting of the Jefferson County Emergency Services Agency and fire companies.
- Attended the session on Robert’s Rules of Procedure.
- Announced that the project Cleaning of the Shenandoah River is scheduled for Saturday, October 29, 2011.
- Announced that the prescription drop off day is also Saturday, October 29, 2011.

Commissioner Manuel:

- Attended the meeting with Loudoun County officials, Jefferson County representatives and Senator Snyder with regard to the Mutual Aid Agreement issues to be resolved.
- Attended a joint meeting of the Jefferson County Emergency Services Agency and fire companies.
- Attended the session on Ethics and Robert’s Rules of Procedure.

Commissioner Morgan:

- Nothing to report this week.

Commissioner Pellish:

- Reported that at next Thursday’s meeting, Mark Dyck will update the Commission on the progress of the transition team thus far at the Jefferson County Development Authority.
- Advised that in the near future there will be some Jefferson County Public Service Board vacancies available.

Commissioner Noland:

- Attended a joint meeting of the Jefferson County Emergency Services Agency and fire companies. Ms. Noland questioned whether the Commissioners are in violation of “open meetings” if all Commissioners attend these meetings and make comments.

There being no further business, **motion** by Mr. Manuel to adjourn. Motion seconded by Ms. Noland and unanimously approved. Upon rising the meeting was adjourned at 3:20 p.m. until Thursday next, November 3, 2011.

PATRICIA A. NOLAND, PRESIDENT