

Minutes

Jefferson County Commission

Thursday, November 3, 2011

A meeting of the Jefferson County Commission was held on Thursday, November 3, 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 November 3, 2011 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Morgan to approve the Minutes of the **October 27, 2011 regular meeting** as amended. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the **October 27, 2011 Special Session** as presented. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$26,537.08, being purchase order numbers: 50448, 50541, 50542, 50539, 50601, 50602, 49108, 50606, 50604, 50605, 50607, 50608, 50609, 50610, 50611 and 50613. 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 \$57,928.46. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT:

Mark Dyck, President of the Jefferson County Development Authority updated the Commission on the work done thus far by the transition team and stated that soon the Development Authority will begin conducting a search for an Executive Director.

David Tabb, Jefferson County resident commented on several different issues: 1) he opposes a vote today on the proposed changes to the Planning & Zoning amendments until another public hearing is held; 2) the inequity between funds allocated to the fire companies and Parks & Recreation; 3) stoplight in front of the U.S. Customs and Border Patrol facility.

Kathy Knight, President of the Carriage Park HOA had questions for the Commissioners from the members of the HOA.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

- Participated in a conference call with Loudoun County, Virginia officials and Jefferson County representatives in an attempt to resolve the Mutual Aid Agreement issues. Loudoun County and Jefferson County may be willing to accept a Memorandum of Understanding. Loudoun County officials have approved the termination of the Mutual Aid Agreement if the outstanding issues are not resolved by the termination date.
- Met with Don Jacobs and Jennifer Meghan, County Clerk and reached an agreement on salary and compensation. Mr. Jacobs will prepare a Salary and Compensation Schedule for the County Clerk's Office.
- Currently working on policies, the most urgent of which is the issue of taxable fringe benefits.

PRESENTATIONS :

1. **Stephanie Grove, Assistant Prosecuting Attorney** – discussion of the 2nd Congressional District Court Challenge and possible action.

Motion by Ms. Morgan that the Commission convene an Executive Session to discuss the pending litigation and possible action. Motion seconded by Mr. Manuel and unanimously approved. The Commission convened an Executive Session at 9:54 a.m.

Motion by Ms. Morgan to adjourn the Executive Session. Motion seconded by Mr. Manuel and unanimously approved. The Executive Session adjourned at 10:15 a.m.

Ms. Morgan **moved** that the County Commission as a body join the redistricting lawsuit that is proposed stating that there will be no cost to the taxpayers of Jefferson County. Ms. Widmyer seconded the motion and it was unanimously approved.

For the record, Mr. Pellish stated that he believed the discussion had in Executive Session regarding the pending litigation should have more appropriately been held before the public.

2. **Eric Lewis** offered a presentation and explanation of 501 charities and non-profit IRS forms, more specifically Form 990. He explained that a lot can be learned about a company by examining their Form 990 return.

The Commission took a break at 10:38 a.m.

The Commission reconvened its meeting at 10:45 a.m.

3. **Interviews and Appointments to the following Boards:**

North Eastern Regional Emergency Services, Inc.

One unexpired term ending October 31, 2012

One 2-year term ending October 31, 2013

Pete Kelley spoke of his qualifications and requested reappointment to NEREMS.

Motion by Mr. Manuel to reappoint Pete Kelley to the North Eastern Regional Emergency Services, Inc. Board to fill the unexpired term ending October 31, 2013. Motion seconded by Ms. Morgan and unanimously approved.

Doug Pittinger, Director of Jefferson County Emergency Services Agency stated his qualifications to serve on the NEREMS Board.

Motion by Ms. Morgan to appoint Doug Pittinger to the North Eastern Regional Emergency Services, Inc. Board to fill the unexpired term ending October 31, 2012. Motion seconded by Ms. Manuel and unanimously approved.

Jefferson County Emergency Services Agency

One Citizen representative term ending November 2, 2014
One Fire representative term ending November 2, 2014
One Fire/EMS representative term ending November 2, 2014

For the record: Ms. Morgan intends to vote to reappoint all individuals that have applied for reappointment.

Marty Freeman related her qualifications to serve on the Jefferson County Emergency Services Agency.

The other candidates, Alan Williams, Michael Mood, Marshall Demeritt and Dave Withers, were not able to appear due to lack of notice.

The Commissioners, by unanimous consent, postponed voting until next Thursday's meeting after they receive more information about the candidates and legal information regarding the magisterial districts and who can apply to be appointed.

Jefferson County Development Authority Board

One unexpired term ending April 5, 2013

Motion by Ms. Morgan to appoint Dr. Karan Townsend, Ed.D. to the Jefferson County Development Authority Board to fill the one expired term ending April 5, 2013. Motion seconded by Mr. Manuel and unanimously approved.

4. **Susan M Pierce, WV State Historic Preservation Office, Division of Culture and History** and **Aaron Levy** appeared before the Commission to clarify certain information that was discussed during the September 1, 2011 Commission meeting regarding the proposed Bullskin Run Historic District.
5. **Jennifer Brockman, Director of Planning & Zoning** request for approval/adoption of the Urban Tree Canopy Grant Plan.

Motion by Mr. Manuel to approve and adopt the **Urban Tree Canopy Grant Plan** as presented. Motion seconded by Ms. Morgan and unanimously approved.

Request to approve Article 4A, Sec. 22 and Sec. 10-3 – Home Occupations and Cottage Industries.

Motion by Ms. Widmyer to approve and adopt a proposed Amendment to Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and Section 20.203 of the Subdivision and Land Development Regulations regarding Home Occupations and Cottage Industries. Motion seconded by Mr. Pellish and unanimously approved.

Request to approve a proposed Amendment to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding Timeframes and Noticing Requirements for Processing Procedures.

Motion by Mr. Pellish to approve the Amendments to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding Timeframes and Noticing Requirements for Processing Procedures as presented on September 15, 2011, and outlined on the agenda request with the following addition:

1. The neighbors and adjoining homeowners will be notified of the date of the hearing by Staff.

Motion seconded by Ms. Widmyer and carried 4 -1 with Ms. Morgan voting “no.”

Due to time constraints, the Commissioners unanimously agreed to postpone voting on the other two proposed amendments until the regular meeting next Thursday, November 10, 2011 or possibly the following Thursday.

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

The Commission reconvened its meeting at 1:34 p.m.

- 8. Work Session – Water Advisory Committee (WAC)** – Mary Sells presented and clarified the WAC’s proposed work plan which included water quality monitoring of streams, seeps and springs, watershed management and protection, monitoring of the existing County water-related studies and providing the County Commission with recommendations for additional studies relating to water issues that could be pursued by WAC. Ms. Sells stressed the members desire to work with the County Commission and to keep the Commission apprised of the progress of their work. The Commission gave its permission for WAC to go forward with advertising for a qualified individual to fill a vacant position on the Committee.
- 9. Elizabeth Wheeler, Jefferson County Farmland Protection Board** request approval of Deed of Farmland Conservation Easement on the Stehr Property. The easement is 219.1 acres and the cost to the Jefferson County Farmland Protection Board is \$523,320.50.

Motion by Ms. Morgan to approve the Deed of Farmland Conservation Easement for the Stehr property. Ms. Widmyer seconded the motion and it was unanimously approved.

COUNTY COMMISSION REPORTS:

Commissioner Widmyer:

- Attended a Jefferson County Public Service Meeting.

Commissioner Manuel:

- Attended the Halloween Paws & Claws Dinner Auction.
- Traveled to the Rt. 340 Defense Shooting Range with Sheriff Shirley and Deputy Jesse Jones and studied the area for possible unsafe conditions.
- Reminder of the dinner at Applebee’s to benefit the Jefferson County Animal Welfare.

Commissioner Morgan:

- Attended a Farmland Protection monitoring in Kearneysville.
- Attended a Telamon Community Action meeting.

Commissioner Pellish:

- Worked on transition issues with the Jefferson County Development Authority.

Commissioner Noland:

- Received many calls offering suggestions regarding the Jefferson County Emergency Services Agency and fire companies issues.

There being no further business, **motion** by Mr. Pellish to adjourn. Motion seconded by Mr. Manuel and unanimously approved. Upon rising the meeting was adjourned at 2:10 p.m. until Thursday next, November 7, 2011.

PATRICIA A. NOLAND, PRESIDENT