

Minutes

Jefferson County Commission

Thursday, November 17, 2011

A meeting of the Jefferson County Commission was held on Thursday, November 17, 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 November 17, 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 Pellish led the Pledge of Allegiance.

Commissioner Widmyer raised a Point of Order with regard to Agenda Item #5:

“County Commission to discuss considering whether to add as an agenda item: - Peter Corum and Fred Blackmer – Approval of Zoning Map Amendment – Discussion/Action.”

Ms. Widmyer recommended that Item #5 be removed from the November 17, 2011 agenda for the following reasons:

It was placed on the agenda in violation of the State Open Meeting Requirements of the State Open Meeting Act;

It violates the Jefferson County agenda policies; and the County Commission agreed at the meeting on November 10, 2011 to address the zoning requests in early December.

Ms. Widmyer stated that she called the West Virginia Ethics Commission and learned that the Open Governmental Proceedings Act requires that amendments to the agenda be made not later than two (2) days before its meeting. The agenda before the Commission was revised after the close of business on Tuesday, November 15th and she stated that that is a violation of the Open Meetings Act.

Ms. Widmyer requested a ruling from the Chair that this agenda request is out of order.

Ms. Noland stated that she was not ready to remove Item #5 yet and explained that she received an email from Fred Blackmer on November 15th stating that he had requested this item be placed on the agenda on November 17, 2011 and had just become aware that his item was not on the November 17th agenda. Ms. Noland pointed out that Mr. Blackmer was present and that she would have him explain what transpired.

Ms. Morgan and Ms. Widmyer objected. Ms. Noland asked Mr. Blackmer to come down and explain what transpired with his agenda item.

Ms. Morgan moved to strike Agenda Item #5 from the Agenda. Ms. Widmyer requested a ruling from the Chair in accordance with Robert’s Rules of Order on whether or not that can be done. Ms. Noland stated that she would not strike Item #5 at that time. Ms. Morgan asked if there was a second to her motion to strike. Ms. Widmyer seconded the motion. Ms. Noland asked for any discussion and a vote on the motion. The

motion to strike failed 3 – 2, with Ms. Noland, Mr. Manuel and Mr. Pellish voting “no.”

Ms. Noland stated that the Commission would continue in order with the scheduled items and comments on Item #5 would be held until its appropriate place on the agenda.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the November 10, 2011 Special Session as presented. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Mr. Manuel to approve the Minutes of the November 10, 2011 regular meeting as presented. Motion seconded by Ms. Noland and unanimously approved.

APPROVAL OF PURCHASE ORDERS:

Motion by Mr. Pellish to approve Purchase Orders in the amount of \$35,597.00, being purchase order numbers: 48824, 50546, 50545, 50630, 50632, 50633, 50635, 53236, 53243, 53265, 53266, 53182, 50629, 52947, and 50566. Motion seconded by Mr. Manuel and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE:

Motion by Ms. Morgan to approve the accounts payable in the amount of \$428,226.39. Motion seconded by Mr. Manuel and unanimously approved subject to Mr. Boyde’s review of one invoice.

PUBLIC COMMENT

Debbie Royalty of the League of Women Voters – commented that she was opposed to having Item #5 on the Agenda.

David Tabb, Jefferson County Resident – (1) commented on the Jefferson County Departments, Boards and Commissions reporting quarterly and annually as discussed at the meeting on November 10, 2011;

(2) commented on the Chesapeake Bay Task Force; and (3) procedures for scheduling a public hearing.

Kathy Knight, Jefferson County Resident – commented on the Chesapeake Bay Initiative.

Mike Austin, President of Shepherdstown Community Club (formerly Shepherdstown Men’s Club) – requested the Commission to delay any decision on Item #5 due to rezoning initiatives and lack of understanding by the community.

Harvey Heyser, Zoning Officer, Corporation of Shepherdstown – speaking on behalf of the Mayor of the Corporation of Shepherdstown, Mr. Heyser requested that the Commission postpone any action on Item #5 until Shepherdstown’s Planning Commission meets.

Amy Amos, Homemaker in Jefferson County – expressed opposition to the Commission taking any action on Item #5 until sometime in early December after the Shepherdstown Planning Commission meets.

PRESENTATIONS:

Jimmy Pierson, Ranson Parks and Recreation – funding request in the amount of \$18,500.00 for renovations to the concession stand at the Ranson Civic Center.

Following Mr. Pierson’s presentation and request for funding, there was unanimous consent by the Commissioners to have Mark Schiavone, Director of Capital Planning and Management, check to see if the \$18,500.00 could be funded by impact fees and report back to the Commission.

Martin Burke, Jefferson County Historic Landmarks Commission – request for a one time grant of \$25,000.00 to cover a portion of the purchase price of the 18-acre Shepherdstown Cement Mill property on the Potomac River.

Unanimous consent by the Commissioners to place this request on the December 1, 2011 Agenda for discussion.

The Commission took a short break at 10:32 a.m.
The Commission reconvened at 10:41 a.m.

Roger Goodwin, Chief County Engineer –

Request for approval of partial release of the construction bond security in the amount of \$266,234.00 for Summit Point Automotive Research Center, LLC – Summit Point Tactical Training Center, Phase II (File #S11-11).

Motion by Mr. Manuel to approve the partial release of the construction bond security in the amount of \$266,234.00 for Summit Point Automotive Research Center, LLC – Summit Point Tactical Training Center, Phase II (File #S11-11). Motion seconded by Mr. Pellish and unanimously approved.

Request for approval of the complete release of the construction bond security in the amount of \$23,261.00 for Linda W. Case – Craftworks at Cool Spring, Inc. (File #S10-03) with the Bank of Charles Town, Charles Town, West Virginia.

Motion by Ms. Morgan to approve the complete release of the construction bond security in the amount of \$23,261.00 for Linda W. Case – Craftworks at Cool Spring, Inc. (File #S10-03) with the Bank of Charles Town, Charles Town, West Virginia. Motion seconded by Mr. Manuel and unanimously approved.

Mr. Goodwin explained his Executive Summary Report on the Chesapeake Bay Initiative – Planning for Storm Water Management. Before his presentation Mr. Goodwin introduced Jonathan Saunders, County Engineer, Joe Kent, the County’s new Land Inspector and Matt Pennington, the Chesapeake Bay Coordinator for Region 9.

Ms. Morgan recommended placing Mr. Goodwin’s report on the County Website for public viewing.

Motion by Ms. Widmyer that Staff is directed to proceed to develop a Storm Water Management Ordinance to present to the public and the Commission. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Widmyer that Staff continue to work with the Environmental Protection Agency with regard to grant funding to support Staff in their efforts to develop a Storm Water Management Ordinance specific to Jefferson County. Motion seconded by Ms. Morgan. Motion carried 4 – 1 with Mr. Pellish voting “no.”

Mr. Goodwin commented that he will be on the December 1, 2011 Agenda to present the Commission with a final report on the Westridge Hills Test Wells project.

UNFINISHED BUSINESS:

Work Plans for Certain Departments, Boards and Commissions (LW) – Mr. Boyde presented the proposed form for Departmental Reporting to the Commission. The Commission recommended that the “IT Committee” be added to the list of Boards and Commissions and that the selected Departments, Boards and Commissions also file annual reports.

Motion by Mr. Manuel to accept the list of selected Boards and Commissions as presented by Mr. Boyde with the addition of the “IT Committee.” Motion seconded by Mr. Pellish and unanimously approved.

NEW BUSINESS:

Kaylan Thibodeau, Washington High School French Club – request approval to set up a bake sale in front of the Courthouse on December 3, 2011.

Motion by Ms. Widmyer to approve the set up of a bake sale by Kaylan Thibodeau and the Washington High School French Club on December 3, 2011 and request Staff to ascertain who is the responsible party and research the liability issue. Motion seconded by Ms. Morgan and unanimously approved.

Request to discuss whether to add as an Agenda item – Peter Corum and Fred Blackmer – Approval of Zoning Map Amendment.

Discussion among the Commissioners as to whether or not Item #5 should be added to this agenda or whether it should be placed on the December 1st or December 8th agenda. If scheduled for December 1, 2011, Ms. Brockman would not be able to attend the meeting, but would be available on December 8, 2011.

Legal counsel, Stephanie Grove, recommended that discussion on the matter be delayed so that the decision is not open to attack, especially because of the late notice on the agenda.

Ms. Widmyer moved that Item #5 not be added to this November 17, 2011 Agenda.

Ms. Morgan, based on counsel’s legal advice, renewed her motion to strike Item #5 from the November 17, 2011 Agenda. Ms. Widmyer seconded the motion and the motion failed 3 – 2 with Ms. Widmyer and Ms. Morgan voting “yes” and Ms. Noland, Mr. Manuel and Mr. Pellish voting “no.”

Mr. Blackmer spoke to the Agenda issue.

Ms. Brockman suggested that the item be placed on the December 8, 2011 Agenda at which time she would be available to present the recommendations of the Jefferson County Planning Commission.

Ms. Morgan made a motion that the Item be moved to the December 8, 2011 Agenda to allow Ms. Brockman to be present to explain the Jefferson County Planning Commission’s recommendation. Ms. Widmyer seconded the motion and it was carried 4 – 1 with Mr. Pellish voting “no.”

DEPARTMENT HEAD REPORTS:

Todd Fagan, Director of the GIS Addressing Department submitted a written quarterly report on behalf of his Department.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

Reported that he received approval of the Memorandum of Understanding from the State of West Virginia. Loudoun County has requested that they be sent weekly reports on progress with the Mutual Aid Agreement and Loudoun has agreed to extend the Mutual Aid Agreement now in effect for thirty (30) days until all issues are resolved.

COUNTY COMMISSIONER REPORTS

Commissioner Widmyer:

- Assisted with tree planting on a portion of the Rt. 9 bike path.
- Reported that on January 14, 2012 there will be a full council meeting of Region 9.

Commissioner Manuel:

- Attended a Jefferson County Emergency Services Agency meeting. Next meeting November 29, 2011 at 7:00 p.m.
- Attended a Jefferson County Council on Aging meeting.
- Attended a Jefferson County Parks and Recreation meeting.

Commissioner Pellish:

- Attended a West Virginia Development Authority meeting.

Commissioner Noland:

- Attended a Jefferson County Council on Aging meeting.

Commissioner Morgan:

- Attended a Jefferson County Farmland Protection Board meeting.
- Attended a Jefferson County Historic Landmarks Commission meeting.

There being no further business, motion by Mr. Manuel to adjourn. Motion seconded by Ms. Noland and unanimously approved. Upon rising at 12:20 p.m. the meeting was adjourned until Thursday, December 1, 2011.

PATRICIA A. NOLAND, PRESIDENT

