

Minutes
Jefferson County Commission
Thursday, December 15, 2011

A meeting of the Jefferson County Commission was held on Thursday, December 15, 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 the December 15, 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 Mr. Manuel to approve the Amended Minutes of the December 8, 2011 meeting. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the December 8, 2011 Public Hearing as presented. Motion seconded by Ms. Widmyer and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$136,977.01, being purchase order numbers: 52981, 50676, 53170, 53171, 53172, 53284, 50461, 50460, 50653, 50469, 49110, 53244, 50762, 50766, 53270, 53269, 53267, 53271, 53272, 50759, 50648, 50756, 50757, 50758, 50760, 50761, 50691, 50721, 50440, 50488, 50480, 50481, 50482, 50483, 50484, 50485, 50486, 50487, 50770, 50755, and 50763. 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 \$232,747.57. Motion seconded by Mr. Manuel and unanimously approved.

Ralph Lorenzetti, Jefferson County Prosecuting Attorney, invited the Commissioners and the public to an open house at the new offices of the Prosecuting Attorney located at 201 N. George Street, from 3:00 p.m. to 5:00 p.m. on Wednesday, December 21, 2011. Mr. Lorenzetti also thanked the Maintenance Department for a good job done in moving the office.

PUBLIC COMMENT:

Tyler Quynn spoke regarding Jefferson County Public Sewer District Board appointments.

Lyle Bivens spoke regarding unlimited corporate influence in elections.

Lori Stilley, Ph.D. spoke regarding commercial impact fees.

Mark Dyck spoke regarding commercial impact fees.

David Tabb spoke regarding commercial impact fees.

Kathy knight spoke regarding commercial impact fees.
Debbie Royalty spoke regarding the rezoning issue on last week's Agenda.

PRESENTATIONS:

1. Interviews and Appointments to the Board of Zoning Appeals.

Motion by Ms. Morgan to reappoint Christy Huddle and Edwin T. Kelly, II to the two full terms beginning in January 2012. Motion seconded by Mr. Manuel and unanimously approved. Commissioners directed Staff to readvertise the remaining two positions.

2. (a) Interviews and Appointment to the Jefferson County Emergency Services Agency.

Dr. Russell Kitchner outlined his qualifications to serve on the JCESA.

Motion by Ms. Morgan to appoint Dr. Russell Kitchner to the unexpired term ending November 2, 2013. Motion seconded by Mr. Manuel and unanimously approved.

It was suggested that a Resolution be prepared to commend Paul Rosa on his excellent service on the Jefferson County Emergency Services Agency Board. The Resolution will be prepared and presented on the January 5, 2012 Agenda.

(b) Interviews and Appointment to the Jefferson County Building Commission for an unexpired term ending July 27, 2016.

Michael Johnson spoke to the Commission regarding his qualifications to serve on the Jefferson County Building Committee.

Motion by Mr. Manuel to appoint Michael Johnson to the unexpired term ending July 27, 2016. Motion seconded by Mr. Pellish and unanimously approved.

3. Enactment of the agreed fees of \$110 for residential and \$.08 s/f commercial and approval of PR funding.

(a) **Fee** – Motion by Mr. Pellish to consider the implementation of the fire fee. No second.

Ms. Widmyer moved that the County Commission determine a date to hold a public hearing and hear testimony regarding establishing an emergency service fee of \$110 for residential and \$.08 per square foot of commercial. Mr. Manuel seconded the motion and added "that legal counsel in conjunction with the Jefferson County Emergency Services Agency prepare a draft for public review to be available at the four meetings to be held by the JCESA and at the County Commission's public hearing." Mr. Manuel asked that this be added as a friendly amendment.

Ms. Widmyer agreed and restated her motion that the County Commission determine a date to hold a public hearing to receive testimony on establishing an emergency service fee of \$110 for residential and \$.08 per square foot of commercial and that prior to the public hearing there be community meetings which include presentations of the draft ordinance as prepared by legal staff. Motion was previously seconded by Mr. Manuel and is unanimously approved.

Mr. Hannon will provide the Commission with the dates of the four community meetings to be held in January 2012 and subsequent to these meetings the County Commission will hold a public hearing. The Commission will share all written comments with the Jefferson County Emergency Services Agency.

- (b) **Funding Request** – Ed Hannon requested \$5,000 from the Commission in addition to the \$3,000 previously allocated to the Jefferson County Emergency Services Agency PR Committee to continue moving forward with further implementation of the 5-year Plan including the fee.

Motion by Mr. Manuel to approve the requested \$5,000 as additional funding for the Jefferson County Emergency Services Agency PR Committee to complete its education of the public. Motion seconded by Ms. Widmyer and unanimously approved.

The Commission took a short recess at 10:45 a.m.

The Commission reconvened the meeting at 10:55 a.m.

4. Roger Goodwin – Partial release of Letter of Credit #292 in the amount of \$412,058.00 for the Avalon Hills Subdivision, Lots 1-14 & Residue Lots A, B, C & D – File #06-24.

Motion by Ms. Widmyer to approve the partial release of the construction bond as presented by Staff. Mr. Manuel seconded the motion. The motion carried 4 to 1 with Ms. Morgan voting “no.”

5. Appointment to the Jefferson County Public Service District Board.

Applicants were Tyler Quynn, Bill Strider and Roger Forshee.

Mr. Pellish nominated Bill Strider. Mr. Manuel seconded the nomination.

Ms. Morgan nominated Roger Forshee. Ms. Widmyer seconded the nomination.

Upon vote taken, Bill Strider was appointed to serve on the JSPSD Board for the 6-year term ending 12-1-2017 by a vote of 3 to 2. Mr. Pellish, Mr. Manuel and Ms. Noland voted for Mr. Strider and Ms. Morgan and Ms. Widmyer voted for Mr. Forshee.

6. Mark Schiavone, Director of Capital Planning and Management reminded the Commission that July 1, 2012 is the deadline to have a program in place to accommodate affordable housing within the impact fee program. He discussed a broad range of options and concluded with a draft of a specific proposed waiver program for the Commission’s review.

Ms. Widmyer requested that Mr. Schiavone provide the Commission with an outline/time frame setting forth the number of work sessions and public hearings that need to be held before the July 1, 2012 deadline. Mr. Schiavone will prepare the outline.

7. Decision on the Proposed Suspension of Commercial Impact Fees.

Motion by Mr. Pellish to adopt the Resolution prepared by the Jefferson County Development Authority but modify the wording to state “consider a reduction to \$1.00 of all impact fees on non-residential projects” Motion seconded by Ms. Noland. Motion failed 3 to 2 with Mr. Manuel, Ms. Widmyer and Ms. Morgan voting “no.”

Motion by Mr. Manuel that the Commission reduce the commercial impact fees by 25% contingent upon a 25% reduction in municipal business and occupation taxes for new businesses locating in Jefferson County. Ms. Widmyer seconded the motion for discussion purposes. Motion failed 4 to 1 with Mr. Manuel only voting “yes.”

Motion by Mr. Pellish to suspend the law enforcement and EMS impact fees for new commercial development for a period of four years. Motion seconded by Ms. Noland but motion failed 3 to 2 with Mr. Pellish and Ms. Noland voting “yes.”

8. **Request by Elizabeth Wheeler of the Farmland Protection Board** for approval of a Deed of Easement for the American Battlefield Protection Program and farmland conservation easement.

Motion by Ms. Morgan to approve the Deed of Easement as presented by Ms. Wheeler. Motion seconded by Ms. Widmyer and unanimously approved.

The Commission took a short recess at 12:15 p.m.
The Commission reconvened the meeting at 12:23 p.m.

9. **Attorneys Neal Barkus and Tracy Eberling** provided an update of the Leslie Smith litigation.

Motion by Mr. Pellish that the Commission convene an Executive Session regarding other pending litigation pursuant to Peters v. County Commission of Wood County. Motion seconded by Ms. Widmyer and unanimously approved. The Commission convened an Executive Session at 12:30 p.m.

Motion by Ms. Morgan to end the Executive Session. Motion seconded by Ms. Widmyer and unanimously approved. The Commission ended its Executive Session and reconvened its regular meeting at 1:40 p.m.

NEW BUSINESS:

10. **Request to approve the 2012 Jefferson County Holiday Schedule.**

Motion by Ms. Morgan to approve the 2012 Jefferson County Holiday Schedule as presented. Motion seconded by Mr. Manuel and unanimously approved.

THE COUNTY COMMISSION OF JEFFERSON COUNTY

P.O. Box 250

124 East Washington Street

Charles Town, WV 25414

Phone: 304-728-3284 www.jeffersoncountywv.org Fax: 304-725-7916

JEFFERSON COUNTY COMMISSION HOLIDAY SCHEDULE 2012

NEW YEAR'S DAY MONDAY, JANUARY 02, 2012
MARTIN LUTHER KING'S BIRTHDAY MONDAY, JANUARY 16, 2012
PRESIDENT'S DAY MONDAY, FEBRUARY 20, 2012
PRIMARY ELECTION TUESDAY, MAY 08, 2012
MEMORIAL DAY MONDAY, MAY 28, 2012
WEST VIRGINIA DAY WEDNESDAY, JUNE 20, 2012
INDEPENDENCE DAY WEDNESDAY, JULY 4, 2012
LABOR DAY MONDAY, SEPTEMBER 03, 2012
COLUMBUS DAY MONDAY, OCTOBER 08, 2012
GENERAL ELECTION TUESDAY, NOVEMBER 6, 2012
VETERAN'S DAY MONDAY, NOVEMBER 12, 2012
THANKSGIVING THURSDAY, NOVEMBER 22, 2012
FRIDAY, NOVEMBER 23, 2012
CHRISTMAS EVE ½ DAY MONDAY, DECEMBER 24, 2012
CHRISTMAS TUESDAY, DECEMBER 25, 2012
NEW YEARS EVE ½ DAY MONDAY, DECEMBER 31, 2012

IN ADDITION TO THE DAYS LISTED ABOVE, THE COMMISSION WILL OBSERVE AS HOLIDAYS, ANY NATIONAL, STATE OR OTHER ELECTION DAY THROUGHOUT THE COUNTY, AND ALL DAYS WHICH MAY BE APPOINTED OR RECOMMENDED BY THE GOVERNOR, OF THIS STATE, OR THE PRESIDENT OF THE UNITED STATES, AS DAYS OF THANKSGIVING, OR FOR THE GENERAL CESSATION OF BUSINESS, ANY DAY OR PART THEREOF DESIGNATED BY THE GOVERNOR AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED

ANNUAL LEAVE, FOR STATE EMPLOYEES STATEWIDE MAY ALSO BE TIME OFF FOR COUNTY EMPLOYEES IF THE COUNTY COMMISSION ELECTS TO DESIGNATE THE DAY OR PART THEREOF AS TIME OFF, WITHOUT CHARGE AGAINST ACCRUED ANNUAL LEAVE FOR COUNTY EMPLOYEES. ANY ENTIRE OR PART STATE WIDE DAY OFF DESIGNATED BY THE GOVERNOR MAY, FOR ALL COURTS, BE TREATED AS IF IT WERE A LEGAL HOLIDAY, AS PROVIDED FOR IN 2-2-1 OF THE WEST VIRGINIA CODE, AS AMENDED.

DATE: 12/15/11

_____/s/_____
PRESIDENT, JEFFERSON COUNTY COMMISSION

11. Request to approve copier leasing package. Mr. Boyde introduced Paul Shroyer, the new Director of Financial Management and Debbie Keyser, consultant for Human Resources.

Motion by Ms. Morgan to approve a 5-year lease for multi-copy copiers as presented by Mr. Boyde. Motion seconded by Mr. Manuel and unanimously approved.

12. Request to approve Compensation During Temporary Assignment draft policy.

The Commission recommended two changes to the proposed policy – that the time elapsed before the temporary assignment begins be ten (10) days and that the person taking over the duties of the absent party must have been assigned the position by the County Commission.

Motion by Mr. Manuel to approve the Compensation During Temporary Assignment Policy as amended. Motion seconded by Ms. Morgan and unanimously approved.

13. Request to approve the Sexual Harassment draft policy.

Due to time constraints this item was tabled until Thursday, January 5, 2012.

COUNTY ADMINISTRATOR REPORTS

County Administrator Tim Boyde:

- Mr. Boyde requested that the Commission approve the use of the County Commission Meeting Room by the Maryland Transit Authority on Saturday, January 7, 2012 from 12:30 p.m. to 4:30 p.m. for a Town Hall meeting to discuss MARC train schedules.

Motion by Ms. Widmyer to approve the use of the County Commission Meeting Room by the Maryland Transit Authority on Saturday, January 7, 2012 from 12:30 p.m. to 4:30 p.m. for a Town Hall meeting to discuss MARC train schedules. Motion seconded by Mr. Manuel and unanimously approved.

COUNTY COMMISSIONER REPORTS

Commissioner Manuel:

- Passed on a “thank you” from the Kiwanas for the toys donated for needy children. He reported that all of the toys were distributed and they helped make some children’s Christmases a little happier.

Commissioners Widmyer, Noland, Pellish and Morgan had nothing to report this week.

Motion by Ms. Morgan to adjourn the meeting. Motion seconded by Mr. Pellish and unanimously approved. There being no further business meeting adjourned at 2:50 p.m. until Thursday, January 5, 2012.

PATRICIA A. NOLAND, PRESIDENT