

**Morgan County Commission Meeting  
March 20, 2014**

**Members present:**

Commissioner Brad Close, President  
Commissioner Stacy Dugan  
Commissioner Robert Ford

**Also present:** Jody McClintock, County Administrator; Ginger Johnson, Commission Secretary; Delegate Larry Kump; Mel Harmon; Matt Grimley; Dick Myers; Steve Moreland; Jazz Clark, Morgan Messenger; Alex McDonald; Ron Martin; Barb Wolfe; Kris Willard; Aaron Close; Joan Willard; Joyce Altomare; Deputy Kevin Barney; Jamie Harris; Ann Darling; Laura Smith; Carol York and Trish Strader, Journal Newspaper

The meeting was opened by Debra Kesecker, Honorable County Clerk, at 9:30 a.m.

**Administration Items**

**Signing of the LPDA (Land Planning & Design) amended contract for North Berkeley Rail Trail**

The County Commission tabled the amended contract for the North Berkeley Rail Trail until the next Commission meeting.

**Assessor's Request for renewal of Sophos Anti-Virus Software**

On a Brad Close/Bob Ford motion, the County Commission approves the request for the renewal of Sophos Anti-Virus Software in the amount of \$480.00. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried. The funds can come out of the Assessor's Evaluation Fund.

**Governor's Community Participation Program Funds for the Eastern Panhandle Trailblazers Grant #14 LEDA0007 for \$9000**

On a Stacy Dugan/Bob Ford motion, the County Commission authorizes its President, Bradley Close to execute the agreement and any other necessary documents on behalf of the Morgan County Commission, and be empowered to sign the contract and any agreement necessary to obtain these funds and approves to pay the \$900 cash match. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

**Action Items**

**Decision on Communication Radios**

President Close explained that he appreciates all of the hard work that Commissioner Ford has done regarding the communication radios and the lengths he has taken to try to find a way for the county to purchase them. President Close explained that he does not feel the county can afford the radios and he is not comfortable to lock the county into a 15 year lease for the radios. Commissioner

Ford stated that he believes the communication radios can be afforded and made a motion to take a vote for the purchase of the radios. Commissioner Ford voted yea, President Close voted nay and Commissioner Dugan voted nay. Motion to approve the purchase of the communication radios failed.

### **Open RFP's for Mowing Services to County Parks**

The County Commission received three requests for proposals for mowing services to the county parks. The RFP's are as follows:

1. Fairview Lawn Care- \$22,200
2. B&G Mowing- \$19,975
3. Mountain State Home & Property Services- \$26,979.92

On a Bob Ford/Stacy Dugan motion, the County Commission approves the request for proposal from B&G Mowing in the amount of \$19,975. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

### **Kevin Barney, PRO Grant Application & Agreement**

The County Commission reviewed the grant application and agreement for the Juvenile Assistance Grant program and the Juvenile Justice and Delinquency Prevention Grant Program. On a Bob Ford/Stacy Dugan motion, the County Commission authorizes Bradley J. Close, President of the Morgan County Commission, to act on its behalf as the official representative in regards to the WV Jag grant program application and the WV Juvenile Justice and Delinquency Prevention grant program to request funding for a Prevention Resource Officer for the Morgan County Schools for Fiscal Year 2014-2015. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

### **Joyce Altomare- Dispute WSPSD (Warm Springs Public Service District) refusal to pay maximum salary for board member**

Joyce Altomare, Warm Springs Public Service District board member, approached the Commission to discuss the refusal of her fellow board members to approve paying her the maximum salary for attending monthly board meetings. Ms. Altomare provided meeting minutes where the board passed a motion approving salary payment at the maximum amount allowed by the WV Code. Ms. Altomare explained that Senate Bill 82 increased the salary to \$125 per attendance at regular monthly meetings. Ms. Altomare explained that she has requested this pay but the board refuses to pay her the maximum salary. Ms. Altomare is currently getting \$100 for each monthly meeting she attends. Ms. Altomare requests the County Commission attend a board meeting and make a recommendation to the board. Commissioner Ford stated that Senate Bill 82 states the salary "can" be paid not "will" be paid. President Close stated that the County Commission does not have a position or place in this. Ms. Altomare stated that she intends to file a formal complaint.

**Kris Willard, Morgan County Partnership- Request County Commission to be fiscal agent for Morgan County Partnership Grants**

President Close recused himself and left the meeting.

Kris Willard and Megan Scott, Morgan County Partnership approached the Commission and requested the Morgan County Commission be the fiscal agent for the Morgan County Partnership Grants. On a Stacy Dugan/Bob Ford motion, the County Commission hereby authorizes its President, Bradley J. Close, to act on behalf in the administration of the WV DJCS FY 2013 JABG Teen Court grant and the WV DJCS Juvenile and Delinquency Prevention Title II Grant Program.

Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried. President Close returned to the meeting.

**Approve and Sign Budget for FY 2014-2015**

On a Bob Ford/Brad Close motion, the County Commission approves and signs the budget for FY 2014-2015. President Close voted yea, Commissioner Ford voted yea and Commissioner Dugan opposed and voted nay. Motion carried.

**Consent Agenda**

On a Bob Ford/Stacy Dugan motion, the County Commission approved the consent agenda. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

**Administrator's Report**

**Approval of Simplex Grinnel Proposal for fire alarm upgrades at the Pines**

On a Brad Close/Bob Ford motion, the County Commission approves the proposal in the amount of \$23,165 from Simplex Grinnell to upgrade the fire alarm system at the Pines Opportunity Center. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

**Recess**

On a Stacy Dugan/Bob Ford motion, the County Commission made a motion to recess the meeting. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.

**Public Hearing for the purpose of receiving public comment on the final drafts of the amendment to the Morgan County Dog Leash Ordinance relating to the control of dangerous and vicious dogs**

**Members present:**

Commissioner Brad Close, President  
Commissioner Stacy Dugan  
Commissioner Robert Ford

The meeting was opened by Debra Kesecker, Honorable County Clerk, at 7:00 pm

**Also Present:**

Ginger Johnson, Commission Secretary; Jody McClintock, County Administrator; Jerry Ortel; Bobby Dugan; Rob Campbell; Marilyn Jarboe; Glorious Sagle; Patrick and Nanci Baker; Trish Strader, Journal Newspaper; Vivian Strader; Jazz Clark, Morgan Messenger; Kate Lehman; Andy Swaim; Steve and Brenda Hutchinson; Larry Schultz; Amy Lane; Melissa and Evan Waugh; Dawn White; Eric Pritchard; Randy Poffinberger and Maranda Barber, Morgan County Animal Control

The County Commission held a public meeting for the purpose of receiving public comments on the final drafts of the amendment to the Morgan County Dog Leash Ordinance relating to the control of dangerous and vicious dogs.

The following residents approached and spoke their concerns:

**Marilyn Jarboe**- stated that a change needs to be made. She has dealt with 2 vicious chows for 7 years, has been bitten three times. She has spoken to the Sheriff's Department and the owner of the dogs, it didn't do any good. Ms. Jarboe asked the Commission to do whatever they can to make it easier for the victims and protect the victims of dog attacks.

**Pat Baker**-stated that it has taken 7 years to get rid of their neighbors vicious dogs. This is a result of Animal Control not doing their job. Put the responsibility on the dogs owners and not the victims by making the Sheriff and the Animal Control Officers do their jobs. We contacted Animal Control and did what they told us to do but they did nothing, we need something done.

**George Farnham**- stated that the state just passed Felicity's Law. How does this ordinance impact that? President Close stated that "Felicity's Law" pertains mostly to provide a cause of legal action for those who are viciously attacked by a dog by making the dogs owner responsible for the medical bills.

**Brenda Hutchinson**-stated that she is sympathetic to people who have been chased and if people have their dogs in control, the dogs cant hurt others. Ms. Hutchinson asked if Animal Control is enforcing the current leash law? What training is the Animal Control Officers getting to assess animal behavior and explained if she is walking her dogs and she is approached by a stranger, her dogs will be protective and she wants to make sure that the officers are trained to know animal aggression before moving forward. Ms. Hutchinson stated that we need to make sure that Animal Control is doing their job and she personally feels that the County Commission is moving forward too quickly amending the ordinance when the current ordinance could be enforced.

**Melissa Waugh**- stated that in the case where her son, Evan got attacked by a dog, the dog came running out of the house, not all instances are the same and the leash law may not pertain to every situation.

**Dawn White**- stated that it is too early to bring this ordinance to a public hearing and explained that there are misleading and inconsistent wording throughout the ordinance. Ms. White gave suggestions on how the language could be improved. Ms. White presented the Commission a handout of suggestions for the ordinance.

**Eric Pritchard**- stated when he was a boy, a dog bit a girl and the girl was sadist, the dog was defending himself.

**Jim Hoyt**- stated that he is in favor of strengthening the current leash law. A friend of his got attacked and mauled by two dogs and the owner paid for the medical bills but when the victim asked why are you letting your dogs run loose, the owner asked why are you walking around? Mr. Hoyt stated that the problem is the attitude of the dog owners.

President Close thanked everyone for their comments and stated that the next public hearing is scheduled for April 3, 2014 at 10:00 am.

### **Recess**

On a Stacy Dugan/Bob Ford motion, the County Commission made a motion to recess the meeting. President Close voted yea, Commissioner Dugan voted yea and Commissioner Ford voted yea. Motion carried.