

Morgan County Commission  
County Commission/Board of Equalization  
Meeting Minutes  
February 12, 2009

Members Present: Thomas R. Swaim, Brenda J. Hutchinson, and Stacy A. Dugan

The meeting was opened by Debbie Kesecker, County Clerk, at 9:32 a.m.

On a Thomas Swaim/Stacy Dugan motion, the Commission approved the minutes from the Feb. 5, 2009 County Commission meeting and the Feb. 6, 2009 Board of Equalization meeting after punctuation corrections are made. This motion carried.

Administration

On a Thomas Swaim/Stacy Dugan motion, the County Commission will prepare contracts for distributing funds payable to the Morgan County Rescue Squad on a monthly basis with a total annual amount of \$450,000.00 and to pay the Paw Paw Fire Department on a monthly basis for a total annual amount of \$50,000.00. The contracts will take effect on July 1, 2009. This motion carried.

Property Assessments

Commissioner Hutchinson explained to the Commission that she had followed up on Bob Ford's ideas previously presented to the Commission concerning the raise in property assessments. Commissioner Hutchinson contacted Hampshire County Commission and the Hampshire County Clerk regarding a similar problem to find out how they dealt with it. Unfortunately, the present time constraints make it impossible to pursue other options for property assessment at this time. The Commission may have to look at these options next year should the same problems arise.

Larry Lower- Report on Fair- Funding Farmers Market

Morgan County Fair

Larry Lower, representing the Morgan County Fair and the Morgan County Farmers Market approached the Commission and presented a worksheet to give his annual report. Mr. Lower explained this is the 9th annual year for the fair. Mr. Lower expressed his appreciation for the fair and the volunteers that make it possible. Mr. Lower also expressed there is no parking fee or admission fee, allowing everyone, particularly families to participate at almost no cost. Mr. Lower requested \$6000.00 in funds to go towards the Morgan County fair. He will provide a detailed expenditure summary. The Commission will review the request for funds.

Berkeley Springs Farmers Market

Larry Lower approached the Commission to discuss the Berkeley Springs Farmers Market. This is the 8th year for the market and the farmers market is operated by volunteers. Mr. Lower informed the Commission that the farmers market had a 10% increase in visits to the market and a 17% increase in sales in 2008. Mr. Lower requested funds in the amount of \$1000.00 from the Commission. The Commission will review the request for funds.

Sam Ashelman- Potential Economic Developments

Mr. Ashelman approached the Commission to discuss ideas he had for potential

economic development projects for Morgan County. Mr. Ashelman will follow up with a letter to the Commission explaining the ideas.

#### Sheriff Vince Shambaugh- Animal Control

Mr. Shambaugh approached the Commission to discuss issues involving animal control officer Laura Kline. Mr. Shambaugh commended Ms. Kline for her dedication and hard work. Mr. Shambaugh requested funds for Ms. Kline so she can purchase supplies she needs. Sheriff Shambaugh also requested, as a preventive measure, that Ms. Kline receive the rabies pre-exposure vaccination. Sheriff Shambaugh also requested that Ms. Kline get certified and provided with the proper animal tranquilizer tools, and that she get qualified to provide euthanasia services, explaining this would save gas and multiple trips to a veterinary office. The Commission discussed the issues and commended Ms. Kline for her hard work. The Commission approved the supplies and requested Ms. Kline get the items as soon as possible.

#### Connie Perry- Morgan County Library- yearly report

Connie Perry approached the Commission and discussed the Morgan County Library's yearly review. Ms. Perry discussed the library's need for funds to make the entrance doors handicapped accessible explaining the need for a push handle and automatic door for handicapped accessibility. Ms. Perry requested funds in the amount of \$2000.00. Ms. Perry explained the high number of visitors that visit the library and requested getting the handicapped door as soon as possible. The County Commission will discuss the budget and decide if the \$2000.00 will come out of 2008 or 2009's budget.

#### Approval of Job Descriptions/ Organizational Chart

On a Stacy Dugan/ Thomas Swaim motion, the job descriptions of County Commission staff members, Bette Kidwell and Ginger Johnson, will be posted on the County Commission website. This motion carried. The Organizational Chart will also be posted on the County Commission website.

The County Commission opened as a Board of Equalization at 11:32 a.m.

#### Arthur Peer- Board of Equalization

Mr. Peer approached the Board of Equalization concerning his property in Sleepy Creek District. Mr. Peer has a 5.35 acre parcel in Spruce Pine Hollow Subdivision. After discussion with the Assessor and staff, the Assessor's staff changed the classification and lowered Mr. Peer's assessment from \$32,700.00 to \$25,900.00. Mr. Peer will receive a follow up letter regarding the new assessment.

The County Commission adjourned as a Board of Equalization and entered into regular session at 11:55 a.m.

#### Community Resource Guide

Commissioner Dugan spoke to the Commission about the possibility of creating a community resource guide. Commissioner Dugan presented a community resource guide from the Winchester, VA area to show as an example. Commissioner Dugan explained Susan Caperton has volunteered to help create the guide. Commissioner Dugan expressed the guide will give Morgan County citizens the resources they need

to get help when they need it. The guide can be available in local businesses and on the County Commission website. Commissioner Dugan will explore the options on the resource guide and follow up with the Commission.

Maxie- Army Corp of Engineers

Maxie Maggio came before the County Commission with a letter of intent/statement of financial capability for the Morgan County Geothermal Design and Construction Project. This letter states the Morgan County Commission is willing to enter into a contract with the Army Corp of Engineers for the Geothermal Design and Construction Project and verifies that it is financially capable to support this project. On a Thomas Swaim/Stacy Dugan motion, the County Commission authorizes Commission President Brenda Hutchinson to sign the letter of intent/statement of Financial Capability for the Morgan County Courthouse Geothermal Design and Construction project. This motion carried.

The Commission adjourned for lunch at 12:20 p.m.

The Commission reconvened after lunch into Board of Equalization at 1:30 p.m.

Harold Miller- Board of Equalization

Mr. Miller approached the Board of Equalization regarding the assessment of his property in Rock Gap district. Mr. Miller presented his homeowner's insurance to the Commission. The County Commission reviewed and discussed the homeowner's insurance with the Assessor and staff. After reviewing, the Commission stated Mr. Miller's appraised value is actually lower than the amount shown on his insurance policy; therefore, the Commission could not lower the assessment. Commission Hutchinson stated she sympathizes with Mr. Miller but the assessment seems to be reasonable and the Commission cannot lower it. The Assessor's staff informed Mr. Miller of a program for low income senior citizens that can receive an extra \$200.00 from state taxes, Assessor's staff gave Mr. Miller an application to fill out to enroll in the senior citizens program.

Julie Kidwell- Comprehensive Plan Floodplain Ordinance/ Paw Paw Rail Trail

Ms. Kidwell approached the Commission and discussed creating a comprehensive plan for the town of Paw Paw that is required by WV State Code. The town of Paw Paw is considering adopting Morgan County's Floodplain Ordinance. Ms. Kidwell requested that the Commission allow county planner Alma Gorse help them with the ordinance. The Commission agreed that Ms. Gorse could help assist the town of Paw Paw with the creation and adoption of their comprehensive plan and also to review the current revisions of the county's floodplain ordinance for possible adoption by the Town of Paw Paw.

The County Commission adjourned from regular session and entered into Board of Equalization at 2:20 p.m.

Tim Boyne- Board of Equalization

Mr. Boyne appeared before the Board of Equalization to discuss his property assessment. Mr. Boyne has a 2.30 acre parcel with a home in Treeland Hills Subdivision in Bath District. Mr. Boyne requested a lower assessment explaining the driveway to his residence is not state-maintained. After discussing the road with the Assessor and his staff, Commissioner Hutchinson agreed to drive to Mr. Boyne's residence to see the road condition and report the condition to the Assessor. The Assessor's office will follow up with a phone call to Mr. Boyne.

#### Steve Lineweaver- Board of Equalization

Mr. Lineweaver approached the Board of Equalization to discuss his 2.941 acre parcel in Bath District. The Assessor's staff explained to Mr. Lineweaver the land tables have risen which increased the assessment amount on his property. Mr. Lineweaver expressed his concern and explained to the Commission and Assessor and his staff that the assessment of his property is too high, and the information on his assessment form is incorrect regarding his property. Assessor Mr. McIntyre agreed to call the WV state Assessor's Board regarding the specific rules of obtaining assessments and give a follow up telephone call to Mr. Lineweaver. The Assessor's staff will review Mr. Lineweaver's assessments to correct any mistaken information.

#### Tom Close- Board of Equalization

Mr. Close approached the Board of Equalization regarding commercial rental apartment buildings he owns and operates. The three apartment buildings are Harrison Avenue Apartments, North Berkeley Apartments, both in Berkeley Springs, WV and Paw Paw Townhouses LTD located in Paw Paw, WV. Mr. Close explained to the Commission that the apartment buildings were low income housing rentals and that the assessments were lowered last year when he approached the Board of Equalization.

The Commission explained to Mr. Close that the rates were lowered and hard keyed in the computer system last year and that hard keying the rates will not necessarily keep the lower rate the following year, which explains the increased assessment. After discussing the assessments, the Assessor's staff lowered the assessment on the Harrison Ave.

apartment building to the same rate as 2008, in the amount of \$208,000.00. After discussing the remaining two apartment buildings with the Assessor and his staff, the Commission explained to Mr. Close they could not lower the remaining two assessments. Mr. Close informed the Commission he will contact Leroy Barker, Chief Appraiser for the State of West Virginia regarding the assessments that were not lowered.

#### Phyllis Foreback- Board of Equalization

Ms. Foreback approached the Board of Equalization regarding her property in William Courtney Subdivision located in Cacapon District. The County Commission and Assessor and his staff discussed the property and agreed to lower the assessment. Assessor's staff adjusted a minus factor which changed Ms. Foreback's assessment from \$26,400.00 to \$18,800.00. Commission staff will follow up with a letter to Ms. Foreback regarding the new assessment.

Ms. Foreback approached the Board of Equalization regarding her property in Bath District. Ms. Foreback informed the Commission this property was in the floodway zone. Morgan County Planning staff determined the property was located in the floodway zone as depicted on the fema flood map. Planning staff explained this designation limits any type of construction within this flood zone. The Assessor's staff lowered Ms. Foreback's assessment from \$38,500.00 to \$19,100.00. Commission staff will follow up with a letter stating the new assessment.

#### Michael Weaver- Board of Equalization

Mr. Weaver approached the Board of Equalization regarding his 13.72 acre parcel in Allen District. Mr. Weaver questioned the assessment for the property and his double wide mobile home situated on the property. Assessor's staff explained to Mr.

Weaver the doublewide is on a permanent foundation, which classifies it as a house according to state code. After reviewing and discussing the assessment, the Commission agreed not to lower the assessment. Mr. Weaver may contact circuit court regarding his assessment.

#### Mike Bergen- Board of Equalization

Mr. Bergen approached the Board of Equalization to discuss his property in Apple Orchard Acres in Rock Gap District. After discussing the property with the County Commission and the Assessor and his staff, Mr. Bergen agreed to contact the Morgan County Health Department regarding a perk test. If the property will not perk, there is a possibility that the assessment can be lowered by the Assessor's office staff.

Mr. Bergen will follow up with the Assessor's office.

The County Commission adjourned as a Board of Equalization and entered into regular session at 4:55 p.m.

#### Letter of Support for Paw Paw Rail Trail

On a Thomas Swaim/Stacy Dugan motion, the Commission agreed to sign a letter to express their strong support for the extension of the Western Maryland Rail Trail from Little Orleans, Maryland to Paw Paw, West Virginia. Morgan County Commission is also willing to assume the operations and maintenance for the West Virginia portion of the trail until the National Park Service can secure funding to take over this responsibility. This motion carried.

#### Decide Ordinance- set date for public hearing- Hotel/Motel Tax

On a Stacy Dugan/Brenda Hutchinson motion, the Commission scheduled a public hearing for Monday, March 2, 2009 at 7 :00 p.m. at the Berkeley Springs High School auditorium for the purposes of receiving public comments regarding the proposed increase to the Hotel Occupancy Tax from the current 3% to 6% and also to amend section three, Permissible Expenditures (d) to read as follows: The construction, operation, or maintenance of public parks, tourist information centers, recreation facilities, including land acquisition; and add (f) Historic sites; or (g) Beautification projects, to the ordinance effective on July 1, 2010. Commissioner Swaim opposed. This motion carried.

#### Adjournment

On a Stacy Dugan/Brenda Hutchinson motion, the meeting was adjourned at 5:02 p.m.

#### Upcoming Meetings

February 18, 2009 @9:30 a.m.

Morgan County Board of Equalization Meeting  
Morgan County Meeting Room

February 18, 2009 @3:00 p.m.- 5:00 p.m.

Board of Equalization Meeting  
Paw Paw Senior Center  
Paw Paw, WV 25434

February 24, 2009 @2:00 p.m.- 5:00 p.m.

Morgan County Commission/Board of Equalization Meeting  
Morgan County Meeting Room

February 26, 2009 @9:30 a.m.  
Morgan County Board of Equalization Meeting  
Morgan County Meeting Room