

Morgan County Commission Meeting Minutes

September 24, 2009

Members Present: Thomas Swaim, Brenda Hutchinson and Stacy Dugan

The meeting was opened by Cathy Payne, Deputy County Clerk at 9:35 a.m.

ADMINISTRATION ITEMS:

Approval of Minutes

On a Stacy Dugan/Thomas Swaim motion, the County Commission approved the minutes from the September 17, 2009 County Commission meeting. This motion carried.

Morgan County Health Department

Commissioner Hutchinson explained to the Commission that she had attended the Morgan County Health Department board meeting and was informed that the health department may possibly receive funds from a grant to cover the cost of the swine flu vaccine and, therefore; may not need the \$10,000.00 set aside by the County Commission.

Parks & Recreation Board Meeting- Skate Park

Commissioner Dugan gave an update on the Parks & Recreation meeting held on September 23, 2009. The meeting was organized to hear citizens concerns regarding the skate park. Commissioner Dugan explained that only a few citizens came to the meeting to ask questions concerning the skate park. Commissioner Dugan stated that the meeting went well.

In- House Training Seminar

The County Commission would like to provide an in-house seminar for the elected officials and department heads to attend. The Seminar will discuss hiring and firing policies and employment standards. The County Commission previously set a date for the training seminar but it was cancelled due to a misunderstanding of subject matter. Commissioner Hutchinson explained to the Commission that she had been doing some research to find another training seminar and found that the West Virginia Counties Risk Pool Insurance Company may offer a seminar free of charge since the Commission is a member of the risk pool. Commissioner Hutchinson agreed to contact insurance agent, Steve Rawlings to consult about the training seminar.

Kim Nickles- Estate of Velda Jane Majewski

On August 27, 2009, the estate of Velda Jane Majewski was addressed at the County Commission meeting. William Masters, representing Kathy Noland, approached the Commission and presented pictures and copies of appraisals of the property to the Commission. Mr. Masters explained the aspects of the administration of Velda Jane Majewski's will in regards to the beneficiaries. David DeJarnett, representing Kenneth Biggs, approached the Commission and explained that Kenneth Biggs is the executor of

Velda Jane Majewski's will. Mr. DeJarnett presented a notebook and explained the acreage problems involved with settling the estate. The Commission agreed there was too much information to review to make a decision at this time. The Commission requested that the family work together to settle the finances of the estate and come back in front of the Commission in 30 days and give an update. Mr. DeJarnett and Mr. Masters re-approached the Commission to discuss and give an update on the estate of Velda Jane Majewsk. Mr. DeJarnett approached the Commission and presented copies of emails that have been exchanged between himself and Dana Noland concerning the estate. Mr. DeJarnett explained to the Commission that there has been no agreement settled. Ms. Noland approached the Commission and presented emails and explained that there has been no agreement. Commissioner Hutchinson stated that in her opinion, Mr. Biggs, the executor in the will of the estate, has done what he has felt was best for the estate; and if the two parties cannot reach a settlement, maybe it's best if the parties go to a Fiduciary Commission to resolve the estate. Commissioner Hutchinson suggested the parties to go to the County Commission office to discuss and possibly come to a conclusion today. The County Commission agreed and the parties went to the County Commission office to discuss and try to settle the estate. The parties returned to the Commission meeting, and Mr. DeJarnett explained to the Commission that they have reached an agreement and a final settlement should be received by the end of next week. The Commission thanked them and stated that they were pleased an agreement was made.

False Alarm Ordinance

The County Commission reviewed and agreed in favor of the false alarm ordinance. The County Commission set a date for a public hearing for October 15, 2009 at 6:00 p.m. to hear citizens concerns regarding the ordinance. The public hearing will be at the County Commission meeting room.

Alma Gorse-

Resolution for adoption of Hazard Mitigation Plan

Employee Christmas Party

Resolution for adoption of Hazard Mitigation Plan

Ms. Gorse approached the Commission and presented a resolution. Ms. Gorse explained that the resolution was for the hazard mitigation plan. Ms. Gorse explained that a hazard mitigation plan was created in 2003 and is updated every 5 years and the plan is a plan that is set in motion in case of any natural disasters. Ms. Gorse explained that FEMA required an updated plan to receive federal funding in the case of a natural disaster. On a Thomas Swaim/Stacy Dugan motion, the County Commission will adopt the updated Morgan County Hazard Mitigation plan and submit on behalf of the participating municipalities the adopted Hazard Mitigation Plan to Federal Emergency Management officials for final review and approval. This motion carried.

Employee Christmas Party

Ms. Gorse approached the Commission to discuss the courthouse complex employee Christmas party. Ms. Gorse discussed some possible locations for the party. The Commission agreed to send a memorandum to the elected officials to get ideas and recommendations for the location of the Christmas party before making a decision.

Anti-chain/tethering ordinance

Commissioner Hutchinson explained to the Commission that the prosecuting attorney had reviewed a draft anti-chaining ordinance and found some issues with the ordinance. Commissioner Hutchinson suggested to the Commission that the Commission set a workshop date to work on and review the ordinance line by line. Commissioner Swaim stated that he does not personally think the county needs the ordinance because the WV Code 61-8-19 explains cruelty to animals, and Commissioner Swaim proceeded to read the WV code and explained the penalties. Commissioner Hutchinson stated that the Sheriff and the Animal Control officer approached the Commission and requested that an anti-tethering ordinance be adopted; therefore, the Commission should at least consider the ordinance. Commissioner Dugan stated that the county does have animal cruelty laws and if those laws cannot be enforced, how can you enforce a new law or ordinance. The Commission listened to concerns from the citizens that attended the meeting. Delegate Daryl Cowles approached the Commission and explained WV Code Chapter 61-8-19 pertaining to the cruelty of animals, penalties and exclusions. Delegate Cowles explained ways to enforce the code, suggesting more animal control officers, and pointing out specific examples of animal cruelty with the Sheriff and Magistrate Court system taking care of the offenders. Commissioner Dugan stated that she would like a workshop to find out why animal abuse cases are not being dealt with. Commissioner Dugan also commended Gary Brock and explained that he has done an outstanding job with all his work on the un-chain Morgan County campaign and explained that she believes we can un-chain Morgan County without having an ordinance passed. After listening to the concerns from the public and discussing the ordinance, the County Commission agreed to have a workshop meeting concerning the enforcement of animal cruelty. The workshop meeting is set for October 22, 2009 at 1:30 p.m. in the County Commission meeting room. The Commission will ask the State Police, Sheriff, Game Warden, Conservation Officer, the Animal Control Officer, and the Prosecuting Attorney to attend the workshop meeting. If the issue still cannot be resolved, the Commission will set up a workshop meeting to discuss and possibly create an anti-tethering ordinance at a later date.

Adjournment

On a Stacy Dugan/Brenda Hutchinson motion, the County Commission adjourned the County Commission meeting at 12:30 p.m. This motion carried.