

Morgan County Commission
Meeting Minutes
December 10, 2009

Members Present: Thomas Swaim, Brenda Hutchinson and Stacy Dugan

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

ADMINISTRATION ITEMS:

Approval of Minutes

On a Thomas Swaim/Stacy Dugan motion, the County Commission approved the minutes from the December 2, 2009 County Commission meeting. This motion carried.

On a Stacy Dugan/Thomas Swaim motion, the County Commission approved the minutes from the December 3, 2009 County Commission meeting. This motion carried.

Courthouse Complex Employee Christmas Party

Commissioner Hutchinson explained that the total number of employees planning to attend the Christmas party is 89.

Furniture, Fixtures & Equipment (FF&E)

County Administrator, William Clark, approached the Commission and presented information regarding the furniture for the new courthouse. Mr. Clark explained that the existing furniture will be used in the new courthouse. Mr. Clark explained that the furniture was purchased from Avail and requested that the Commission to get a price quote from Avail on the cost of moving the furniture and on purchasing any additional furniture. The Commission will also collect bids from other furniture companies.

AGENDA ITEMS:

Patti Miller- Interview for Health Board

Patti Miller approached the Commission for an interview for the Morgan County Health Board. Ms. Miller explained that she owns a restaurant, and she feels that is important to have a representative from the food establishment on the health board. Commissioner Dugan explained that under state code, food establishments regulate the disposal of food without allowing it to go into the water system, and Commissioner Dugan asked Ms. Miller how she felt about this. Ms. Miller explained that the restaurant she owns has its own well and septic system. Ms. Miller explained that protecting the water is very important to her. The Commission decided to place Ms. Miller on the Health Department Board. On a Thomas Swaim/Stacy Dugan motion, the County Commission hereby appoints Patti Miller to the Morgan County Board of Health to serve the remainder of William "Casey" Reece's five year term. This appointment is effective immediately and will expire June 30, 2013. This motion carried.

Paul Mock- Interview for EDA (Economic Development Authority) Board

Paul Mock approached the Commission for an interview for the Economic Development Authority Board. Mr. Mock explained that he owns a greenhouse and landscaping

business in Morgan County. Mr. Mock explained that when he first moved here, he consulted with EDA Director, William Clark, about the economic growth in Morgan County. Commissioner Dugan asked Mr. Mock if he could attend meetings and he stated that yes he can. The Commission thanked Mr. Mock for his time and interest. Commissioner Hutchinson stated that she thought Mr. Mock gave a great presentation, and the Commission plan to make a decision at the December 17, 2009 County Commission meeting. Commissioner Hutchinson stated that the Commission has had two other individuals interview for the EDA board.

Sheriff's Department- Vehicle Issues

- Bailiff Issues-
- Courthouse Security

Chief Deputy, Tony Link, approached the Commission and presented a packet of information for their review.

Vehicle Issues- Mr. Link presented a List of Vehicles to the Commission and explained that the Sheriff's Department is requesting three new vehicles to replace the aging vehicles with high mileage that the deputies are currently using. The Commission asked Sheriff Shambaugh what the average mileage on a cruiser would be. He stated that it would be an average of 120,000 miles. All of the current cruisers are presently under 100,000 miles. This request will be reviewed during the budget meeting on December 15, 2009.

Bailiff Issues- Mr. Link presented a memorandum to the Commission and explained that beginning in January, he will start doing the scheduling for the bailiff's at the Magistrate Court. Mr. Link explained that with the opening of the new courthouse, the sheriff's department will require additional staffing. Mr. Link asked for 2 additional part time bailiff's. This request will be reviewed at the December 15, 2009 meeting.

Courthouse Security

Mr. Link approached the Commission to discuss the security issues in the new courthouse. Mr. Link explained that he is the Courthouse Security Supervisor. Mr. Link explained that once the courthouse is complete, more security staff will be needed. Commissioner Hutchinson explained that the Commission cannot make a decision today and will consider the requests at the budget meeting on December 15, 2009. Commissioner Dugan requested that the sheriff's department present a list with the number of traffic tickets that have been written dating back for the last five years. The Commission agreed to review the information and discuss it at the budget meeting on December 15, 2009.

Discussion about Dissolving the Wage & Review Board

Commissioner Hutchinson explained that the Wage & Review Board consists of elected officials and 2 county employees. Commissioner Dugan stated that she is in favor of dissolving the board. Circuit Clerk, Kim Jackson, approached the Commission and asked why Commissioner Dugan is in favor of dissolving the board, stating that the wage and

review board is the only voice the employees have. Commissioner Dugan stated that the board has not had any meetings since she has been a Commissioner, and she has been a Commissioner for almost one year now. Commissioner Dugan made a motion to dissolve the board. Assessor Ronald McIntire approached the Commission and explained that he feels the board is good to have for the employees and does give the employees a voice. Commissioner Hutchinson stated that in the past, it was a nightmare to get all the members to attend a meeting. Commissioner Swaim stated that the members of the board are here today so we can listen to their comments. Commissioner Swaim also said that the Board had not functioned well in the past. Prosecuting Attorney, Debra McLaughlin read a list of responsibilities the wage and review board performs. Commissioner Hutchinson stated that the board has not been performing the duties. Deputy County Clerk, Heather Tyler, approached the Commission and requested the board re-organize to become functional. Sheriff Vince Shambaugh stated that it is a bad idea to dissolve the board. Commissioner Hutchinson stated that Commissioner Dugan has a motion on the floor, and she seconds it and stated that she does not think the board is functional. Commissioner Swaim opposed and explained that the County Commission asked the elected officials to attend the meeting and they are here and interested and he thinks that the County Commission should give them the chance to make the board functional. Commissioner Hutchinson stated that maybe at a later date, the board can be re-organized but right now, it is dysfunctional. On a two to one vote, with Commissioner Swaim opposing, the wage and review board was dissolved.

Decision on Payroll Dates

On a Thomas Swaim/Stacy Dugan motion, the County Commission went into executive session with the Prosecuting Attorney at 11:35 a.m. to discuss legal issues regarding payroll. This motion carried.

On a Stacy Dugan/Thomas Swaim motion, the County Commission reconvened into regular session. This motion carried.

Commissioner Hutchinson explained that the payroll situation is far complex that the County Commission needs to talk to an employment attorney. Commissioner Hutchinson explained that this will not affect the employees or their paychecks in any way. The County Commission will have to make adjustments to correct problems created by the addition of a 27th pay period during this fiscal year. Commissioner Hutchinson stated that once the County Commission seeks legal opinion, the payroll issue will be placed on a future agenda.

Discussion / Decision on County Administrator/EDA (Economic Development Authority) Director positions

Commissioner Dugan explained that Bill Clark is the County Administrator and the EDA Director, and she thinks it is time to split the two positions. Commissioner Dugan stated that both positions are very important to Morgan County. Commissioner Hutchinson explained that she has spoken to Mr. Clark, and she believes that these can be two full time positions instead of one. Commissioner Hutchinson explained that she has looked at the options and expenses and would like to hire a new full time county administrator and have Mr. Clark remain as the EDA Director. Commissioner Hutchinson explained that she would like to post an ad in the of the Morgan Messenger published on December 16,

advertising the position, and accept applications until December 24, do the interviewing process from December 28- December 30 and possibly make a decision at the County Commission meeting on December 31, 2009 for the new applicant. Commissioner Swaim explained that he is opposed to splitting the position at this time, explaining that the Commission office lost Maxie Maggio, who was very knowledgeable about the new courthouse, and to lose Mr. Clark, who is also very knowledgeable about the new courthouse, is very bad timing. Commissioner Swaim suggested delaying the split of the position until the new courthouse is complete, and the Commission will know more about future expenses. Commissioner Swaim stated that he is probably wasting his breath and will be outvoted anyway, but he feels the timing is terrible. Commissioner Dugan stated it is the perfect time to make changes since we will be moving into the new courthouse soon. Commissioner Swaim asked where will Mr. Clark have office space, and Commissioner Hutchinson stated that when the new courthouse is complete, the EDA office will be in the new courthouse, but for now, she is not sure. Commissioner Hutchinson explained that the new employee will need to be trained and will need office space, and she does not think it's a good idea to have Mr. Clark hovering over the new employee. County Administrator, Bill Clark, approached the Commission and explained that he has worked as the county administrator for 23 years, and he would like to know that the County Commission will guarantee his salary. Commissioner Dugan stated that she has problems with keeping Mr. Clark's salary the same when the duties will be split in half. Mr. Clark responded by stating that he did not ask for his duties to be cut in half and it's not his fault. Commissioner Swaim explained that the Commission is facing financial expenditures and should move into the new courthouse and see what happens before this position is split. Commissioner Swaim stated he does not understand the rush to split the position at this time. Commissioner Dugan stated that she thinks Mr. Clark is perfect for EDA where he can focus on bringing jobs and creating economic development, and she is ready to split the position. Commissioner Dugan stated that grants assistant, Carol York has applied for over \$500,000.00 in grants, which will pay the salary for her position, and Webmaster, Aaron Robertson will save \$3000.00 by negating the need for an IT consultant. Commissioner Hutchinson explained that there are savings due to replacing people at entry level salaries. Commissioner Hutchinson also explained that the Commission will provide \$21,000.00 in a benefits package including a vehicle and office space for the EDA director. On a Stacy Dugan/Brenda Hutchinson motion, the County Commission will split the County Administrator/Economic Development Authority Director position into two full time positions and the County Commission will fund \$37,233.36 towards Mr. Clark's salary and ask the Economic Development Authority Board to fund the remaining \$15,000.00 for Mr. Clark's salary. Commissioner Swaim opposed and stated that he strongly opposes this decision. This motion carried.

Discussion/Decision on Grant Assistant position

County Administrator, Bill Clark approached the Commission and explained that the grant assistant position was a full time position and he would like to see the part time employee that is filling that position become full time. Mr. Clark also explained that the safe routes to school program can be included with the grant assistant position. On a

Thomas Swaim/Stacy Dugan motion, the County Commission agrees to make Carol York, grant assistant, full time beginning on December 21, 2009. This motion carried.

Carol York- Justice Assistance Grant program

- Recreational Trails program intent to apply Resolution

Justice Assistance Grant program

Grant Assistant, Carol York approached the Commission and presented a resolution for a Justice Assistance Grant program. Ms. York explained that Morgan County has an eligible individual allocation under this program of \$15,227.00. On a Stacy Dugan/Thomas Swaim motion, the County Commission hereby authorizes Brenda J. Hutchinson, President of the Morgan County Commission, to act on its behalf as the official representative for the Commission in the administration of the JAG grant program. This motion carried.

Recreational Trails program intent to apply Resolution

Grant Assistant, Carol York approached the Commission and presented a resolution for the West Virginia Department of Transportation Recreational Trails program. Ms. York explained that the resolution is to receive funding under the WVDOT Recreational Trails program which would augment the Paw Paw Bends Rail Trail project. On a Stacy Dugan/Thomas Swaim motion, the County Commission authorizes Brenda J. Hutchinson, President of the Morgan County Commission, to act on its behalf as the official representative for the Commission in the administration of the West Virginia Department of Transportation Recreational Trails program. This motion carried.

On a Stacy Dugan/Brenda Hutchinson motion, the County Commission adjourned for lunch at 1:00 p.m. This motion carried.

The Commission reconvened after lunch at 1:30 p.m.

Workshop Meeting – Specific Ordinance pertaining to the length of tethering and size of pens for dogs

Others Present: Sheriff of Morgan County, Vince Shambaugh; Prosecuting Attorney, Debra McLaughlin; Morgan County Animal Control Officer, Laura Klein; and Morgan County Humane Officer, Seth Place.

Commissioner Hutchinson opened the workshop meeting at 1:50 p.m. and explained that this is a workshop meeting to create a specific ordinance pertaining to the length of tethering and size of pens for dogs.

Morgan County Humane Officer, Seth Place gave a power point presentation to the Commission explaining the specifics on animal cruelty already in the WV code.

Prosecuting Attorney Debra McLaughlin read aloud codes on cruelty and enforcement from the WV Code Book.

Commissioner Hutchinson presented a draft ordinance from Frederick County, Maryland for the Commissioner to review.

The Commission and Prosecuting Attorney Debra McLaughlin reviewed the ordinance by sections and made any changes that were needed.

Prosecuting Attorney, Debra McLaughlin agreed to provide the language needed for the penalty section of the ordinance.

The Commission agreed to review the ordinance at the County Commission meeting on December 17, 2009 at 4:45 p.m. The Commission will also set a date for the public hearing at that time.

Adjournment

On a Stacy Dugan/Brenda Hutchinson motion, the County Commission adjourned the meeting at 3:10 p.m. This motion carried.