

Morgan County Commission

Meeting Minutes

January 14, 2010

Members Present: Thomas Swaim, Brenda Hutchinson and Stacy Dugan

The meeting was opened by Debra Kesecker, County Clerk 9:35 a.m.

ADMINISTRATION ITEMS:

On a Thomas Swaim/Stacy Dugan motion, the County Commission approved the minutes, after corrections from the January 7, 2010 County Commission meeting. This motion carried.

Payroll Issue

Commissioner Hutchinson explained that she had spoken to an unemployment attorney regarding the payroll issue. The attorney will follow up with Commissioner Hutchinson by the end of the month.

County Commission Stationery Use Policy

Commissioner Swaim presented a County Commission Stationery Use Policy for review. Commissioner Swaim explained that there was a letter sent out to the Parks & Recreation board members that was on Commission letterhead. Commissioner Swaim explained that he thought the letter was mean spirited, and he did not like his name being on the letterhead when the letter was not from him. Commissioner Dugan stated that it was obvious that Commissioners Hutchinson and Swaim had no part in the letter because they did not sign the letter. She was the only Commissioner who signed the letter. Commissioner Dugan stated that she was fine with getting individual letterhead stationery. Commissioner Hutchinson stated that a compromise would be to use the Commission stationery for Commission business when all three Commissioners sign and a decision is made by the majority but also have individual stationary for individual letters. Commissioner Hutchinson suggested the Commission revise the second paragraph in the policy. Commissioner Swaim agreed. The revised policy will be approved at the County Commission meeting on January 21, 2010 during administration.

Morgan County Library Water Bill

Commissioner Hutchinson explained that she and Bill Clark have talked to the Berkeley Springs Water Works Department regarding the Morgan County Library's water bill and 3" and 6" lines coming into the new courthouse. Commissioner Hutchinson explained that they are checking the pipe size on the library which may lead to a tremendous reduction in the quarterly bill if the line is 1" and not 2". The quarterly billing for the 6" sprinkler line will be approximately \$135.00. If the 3" line on the courthouse can be reduced to 2", it would cut that bill in half. Commissioner Hutchinson will follow up with any new information.

Commission Secretary Distributing Minutes

The Commission Secretary presented a list to the Commissioners explaining the procedure which she uses taking notes and distributing the minutes. Commissioner Swaim asked what the list was for, and the secretary explained that she was asked by Commissioner Dugan to

provide a list explaining the procedure because she had heard rumors that unapproved minutes were being distributed. The Commission Secretary stated to the Commission that she does not give out unapproved minutes. Commissioner Hutchinson explained that she believes the rumors started because the minutes and an article in the Morgan Messenger both had the same quotation wrong. Later in the meeting, Kate Shunney, reporter from the Morgan Messenger, approached the Commission and explained that she had been approached about the minutes, and she would like to make it clear that she does not receive unapproved minutes from the Commission Secretary.

AGENDA ITEMS:

Tammy McWilliams w/Trump & Trump

Tammy McWilliams, representing Trump & Trump approached the Commission and explained that she has an order of elective share regarding the estate of Betty A. Nelson. On a Thomas Swaim/Stacy Dugan motion, the County Commission authorizes its president, Brenda J. Hutchinson to sign the order of elective share stating that this matter came before the County Commission of Morgan County, West Virginia for purposes of addressing the recommended decision of the Fiduciary Commissioner, Patrick G. Henry, appointed by this Court by Order of May 9, 2008. This motion carried.

Rob Steptoe- Recovery Zones Bonds

Rob Steptoe approached the Commission to discuss the American Recovery Bond Fund that is available for government entities. Mr. Steptoe explained that 1.8 million dollars is available for loans to be distributed to government entities. Mr. Steptoe explained that the deadline for application of the loan is January 31, 2010. Mr. Steptoe explained that the county will need to complete a preliminary certification to use their allocation, and this will hold the funding until July 31, 2010. The Commission discussed a possible parking garage or the construction of a senior center/health department as possible projects. Commissioner Swaim stated that he felt that a parking garage would never pay for itself. On a Thomas Swaim/Stacy Dugan motion, the County Commission will move forward and complete a pre-certification application before January 31, 2010. County Administrator and EDA Director, Bill Clark approached the Commission and mentioned recovery facility bonds that are available for businesses in the amount of 2.8 million dollars. Mr. Clark requested that the Economic Development Authority Executive Committee be the review committee for any business applications. On a Thomas Swaim/Stacy Dugan motion, the County Commission authorizes the Economic Development Authority Executive Committee to review all applications for the Facility Recovery Bonds. This motion carried.

Carol Painter- Prepaid Legal Program

Carol Painter, representing Prepaid Legal Services, Inc. approached the Commission and presented information on the prepaid legal program. Ms. Painter explained that the legal program is at no cost to the county. Ms. Painter explained that the prepaid legal program provides legal services 24 hours a day, 365 days a year. Ms. Painter explained that the program provides legal services ranging from law suits to traffic citations. Ms. Painter explained that the employees can sign up for this program and have a weekly deduction taken out of their paychecks. Ms. Painter explained that Valley Health Services in Winchester, Virginia has already enrolled in the program and some businesses in Winchester, Virginia have also enrolled. Ms. Painter stated that the Hampshire County School System enrolled a few weeks ago. The Commission agreed to read through the information and distribute information to the county employees. The Commission thanked Ms. Painter for her time.

Dawn White- Closing of probate estates w/ County Clerk

Dawn White approached the Commission and stated that records for probate estates need to be held for 10 days, and the County Clerk's office is not holding probate estate records for 10 days. Deputy County Clerk, Kim Nickles, approached the Commission and explained that if a waiver form is filed, the probate case does not need to be held for 10 days. Ms. Nickles explained that she has contacted the WV State Office and confirmed this. Ms. White explained that she does not agree with Ms. Nickles' interpretation and probate estates should not be a rush procedure. Ms. White referred to a case where one of her clients' probate estate was not held for 10 days by the County Clerk's office. Ms. Nickles explained that this particular case had a waiver of final settlement and she had sent Ms. White a letter stating that the case could be re-opened. County Clerk, Debra Kesecker, approached the Commission and stated that from now on all probate cases, with or without a consent waiver will be held in the County Clerk's office for 10 days. Ms. White thanked Ms. Kesecker and Ms. Nickles.

Carol York- Justice Assistance Dept. grant application review and approval

Grant Writer, Carol York approached the Commission and presented an application for federal assistance for the Morgan County Community Service and Corrections Program. Ms. York explained that the allocation for funding is \$15,227.00. Ms. York explained that part of the application process is presenting the application for public review and comments. Ms. York reviewed the application with the Commission. On a Stacy Dugan/Thomas Swaim motion, the County Commission agreed to move forward with the application process for the Morgan County Community Service and Corrections Program. This motion carried.

Aaron Robertson- Courthouse Change Order

Buildings Assistant, Aaron Robertson, approached the Commission with a Courthouse Construction Change Order. Mr. Robertson explained that this was change order #10 for the amount of \$11,422.00. Mr. Robertson explained that the change order was for additional cost to install bulkheads and wiring for future motorized shades toward Fairfax Street and additional cost to install a crack isolation membrane above floor control joints at ceramic tile areas. On a Stacy Dugan/Thomas Swaim motion, the County Commission authorizes its president, Brenda J. Hutchinson, to sign change order #10 for the amount of \$11,422.00. This motion carried.

Joe Michael- re-appointment on Civil Service Board

Mr. Michael approached the Commission to be reappointed to the Civil Service Board. Mr. Michael explained that he has been volunteering on the board for 20 years and has been the chairman of the board for 14 years. Mr. Michael presented records from the board. Commissioner Dugan asked Mr. Michael if the meetings were advertised and if the minutes taken from the meetings were available for public view. Mr. Michael explained that A.C. Bohrer has the minutes from the meetings. Mr. Michael explained that not all the information can be made public. Mr. Michael explained that all tests come from the State Civil Service Board and the test scores are kept confidential. Mr. Michael explained that there is not a problem providing the minutes from the meetings to go on the County Commission website. Commissioner Swaim thanked Mr. Michael for doing a great job all these years and explained that he is opposed to bringing volunteers in to the meetings to be reappointed. Mr. Swaim explained this could have been taken care of with a telephone call instead of making Mr. Michael take time out of his day to come in to the meeting. Commissioner Dugan explained that she thinks it is a good idea to bring board members in to talk to them about the boards they represent. Mr. Swaim explained that Mr. Michael is represented by the Bar Association, and he is not sure if the County Commission can re-appoint him without a recommendation from the Bar Association. The Commission

agreed to wait until they receive a letter of recommendation before they reappoint Mr. Michael to the Civil Service Board. The Commission thanked Mr. Michael for all his hard work and time.

Bid opening for consultant for Zoning Ordinance

County Planner, Alma Gorse, approached the Commission and explained that she had advertised for bids for a consultant for the zoning ordinance. Ms. Gorse explained that the deadline for bids was January 13, 2010 at 12 noon. Ms. Gorse explained that she got one bid from ARRO Consulting, Inc. on January 11, 2010, and she had received a second bid on January 13, 2010 at 4:10 p.m. by email from Advanced Planning Associates, LLC. Ms. Gorse explained that the second bid was received late and it was very vague and did not give a specific dollar amount. Commissioner Hutchinson explained that the bid from ARRO Consulting, Inc. was for \$22, 500.00 and the bid from Advanced Planning Associates, LLC is for \$18,000-\$24,000.00. On a Stacy Dugan/Brenda Hutchinson motion, the County Commission agreed to go forward with the proposal from ARRO Consulting, Inc. in the amount of a cap of \$22,500.00. Commissioner Swaim opposed and explained that he is opposed to zoning and has campaigned for two terms as being opposed to zoning, and he has had phone calls from citizens asking him not to spend money on zoning. Commissioner Swaim also explained that he feels the County Commission is spending money that has not been budgeted, including the new County Administrator position and other expenses. This motion carried.

Vote & Approve job description for County Administrator

The County Commission reviewed the job description for the County Administrator. On a Stacy Dugan/Thomas Swaim motion, the County Commission approved the job description for County Administrator after language changes. This motion carried. The approved job description will be posted on the County Commission website.

Decision on new County Administrator

On a Stacy Dugan/Thomas Swaim motion, the County Commission went into executive session at 12:18 p.m. to discuss the individuals interviewed for the County Administrator position. On a Stacy Dugan/Thomas Swaim motion, the County Commission came out of executive session and reconvened into regular session at 12:46 p.m. On a Stacy Dugan/Brenda Hutchinson motion, the County Commission agreed to hire Jody McClintock as the County Administrator with a salary of \$28,000.00. Commissioner Swaim opposed and explained that he would like to hire Alma Gorse as County Administrator. Commissioner Hutchinson explained that she thinks Alma would be a good County Administrator, but she doesn't believe it would be productive to lose her as a county planner. This motion carried.

Adjournment

On a Stacy Dugan/Brenda Hutchinson motion, the County Commission adjourned the County Commission meeting at 12:53 p.m. This motion carried.

Gross Payroll:

\$74,422.03