

Morgan County Commission

Meeting Minutes

January 21, 2010

Members Present: Thomas Swaim, Brenda Hutchinson and Stacy Dugan

The meeting was opened by Debra Kesecker, County Clerk 3:32 p.m.

ADMINISTRATION ITEMS:

Meeting Minutes

On a Thomas Swaim/Stacy Dugan motion, the County Commission approved the minutes from the January 14, 2010 meeting with minor language changes. This motion carried.

Carol York

Grant Assistant, Carol York approached the Commission and explained that on December 3, 2009, the County Commission passed a resolution for the West Virginia Partnership to Promote Community Well-being Purdue Pharma Asset Pharma Asset Forfeiture Funds (PPF) Drug- Free West Virginia Grant Program application. Ms. York explained that the intent of this grant project is to rehabilitate the War Memorial Home Health building located at 91 Fairfax Street, Berkeley Springs, WV 25411 to be used as a Morgan County Peer Recovery Center. The Commission stated that the Morgan County Building Commission is the owner of the structure, and the resolution should clarify this. Ms. York revised the resolution and re-approached the Commission. On a Thomas Swaim/Stacy Dugan motion, the County Commission is in support of the use of this building contingent on approval by the Morgan County Building Commission. This motion carried.

Kim Jackson- Inclement Weather Policy

Circuit Clerk, Kim Jackson approached the Commission and explained that she had spoken to Judge Gina Groh on the telephone and Judge Groh explained that during inclement weather, it is not the Circuit Judge that decides whether the county employees have a delay due to inclement weather. Ms. Jackson explained that the Circuit and Magistrate Court must have someone in their office unless they have an order, verbal or otherwise, from their Administrative or Chief Judge. Ms. Jackson explained that if the County Commission closes the courthouse offices due to inclement weather, the President of the County Commission calls the Circuit Clerk, and the Circuit Clerk will call the judge to get a verbal order to close the Circuit Court office. Commissioner Hutchinson requested a written order rather than a verbal order. Commissioner Hutchinson explained that she wanted to be sure she is following the correct protocol for delays and closings due to inclement weather.

County Commission Stationery Policy

The County Commission reviewed the amended policy for the use of the County Commission Stationery. On a Thomas Swaim/Stacy Dugan motion, the County Commission agreed to adopt the County Commission Stationery Policy. This motion carried.

BB& T Employer's Benefit Plan for Employees

Commissioner Hutchinson explained that she had met with Denise Bergen, from BB& T Bank

and received information regarding a benefit plan for employees. The Commission agreed to consult with the remaining banks in Berkeley Springs, WV to see if they offer a similar package. The Commission will follow up on this.

AGENDA ITEMS:

Max Langenstein- Student for County Commission Board

Josh Gilley and Max Langstein approached the Commission and presented a power point presentation explaining the benefits of having a student representative sit on the County Commission. Kate Stotler, representing the Berkeley Springs High School, approached the Commission and explained that her class is participating in a class project where individuals are sitting on local boards to learn the functions and responsibilities of each board. Ms. Stotler explained that the participants may receive an independent study credit for participating. The Commission agreed this is a good experience for the students. On a Thomas Swaim/Stacy Dugan motion, the County Commission agreed to move forward and adopt the project to have a student representative on the County Commission. This motion carried.

Sheriff Vince Shambaugh- Animal Control

Sheriff Vince Shambaugh and Deputy Tony Link approached the Commission to discuss the animal control issue. The Commission received a resignation from Laura Klein, the current animal control officer, and from Sheriff Vince Shambaugh, resigning from his animal control duties. Commissioner Hutchinson explained that this problem started when she received a call from a citizen regarding a missing dog. Commissioner Hutchinson asked Mr. Shambaugh if someone was taking care of the animals, and he replied yes. Ms. Klein has been taking care of them. There are five dogs left on the property. Deputy Link stated that Ms. Klein is leaving today, January 21, 2010. Commissioner Swaim stated that the County Commission is here to accept the Sheriff's resignation of the animal control duties and move forward with animal control. Commissioner Hutchinson stated that she agrees with Commissioner Swaim. The Sheriff and Prosecuting Attorney should be handling any investigations, and the County Commission needs to move forward with finding a new animal control officer. Commissioner Hutchinson stated that she does not have a problem taking over animal control and asked for Ms. Klein's records. Deputy Link presented some records in a dollar store bag to Commissioner Hutchinson and explained that the rest of the records are on Ms. Klein's computer. Her computer has a virus; and therefore, she cannot obtain her records at this time. A citizen approached the Commission and explained that she has been hearing rumors of the animal control officer selling dogs. Sheriff Shambaugh stated that he has investigated this accusation and has not found any evidence that this is to be true. Commissioner Dugan asked Sheriff Shambaugh what investigation he performed, he stated that he called the employees and asked if the complaint was true. Mr. Ridgeway, a citizen, approached the Commission and explained that this started when his dog became missing, and when he contacted Ms. Klein, she gave him two different stories regarding his dog. Mr. Ridgeway explained that he has not found his missing dog. Sheriff Shambaugh explained that there was a dog similar to Mr. Ridgeway's dog that was found, but this dog had a microchip and was reunited with its owner. Sheriff Shambaugh explained that since Ms. Klein was an employee of his, this is a conflict of interest and he will step away and let the prosecuting attorney continue the investigation. Assistant Prosecuting Attorney, Dan James, approached the Commission and explained that he has worked very closely with Ms. Klein, and he cannot begin to explain how many thousands of dollars she has saved Morgan County and how many cases and long hours she has put in. Mr. James explained that there has been an investigation given to Prosecuting Attorney, Debra McLaughlin. Commissioner Hutchinson explained that she had also been one of Ms. Klein's biggest advocates. Dawn White approached the Commission and presented a list that she obtained off the internet advertising dogs for sale. The Commission agreed to leave the investigation of this matter

to the prosecuting attorney's office and to move forward with hiring an animal control officer. Commissioner Dugan asked if the humane officer could help fill in for dog warden, Officer Place stated that's the wrong question lady. The Commission will advertise the position in the newspaper, take applications until February 3, 2010, interview individuals on February 5, 2010 and make a decision on whom to hire after the interviews on February 5, 2010. Sheriff Shambaugh agreed that the sheriff's department will continue to care for the dogs for the time being.

Aaron Robertson- Courthouse Drawdown

Buildings Assistant and Webmaster, Aaron Robertson presented an expenditure drawdown to the Commission for approval. On a Thomas Swaim/Stacy Dugan motion, the Commission authorized its president, Brenda J. Hutchinson, to sign the adopted resolution and authorize the directed payment to Milestone Construction Services, Inc in the amount of \$524,974.75 for the construction of the courthouse. This motion carried.

Community Calendar

Webmaster, Aaron Robertson approached the Commission and presented a draft community calendar. Mr. Robertson explained that the calendar will be on the County Commission website and will display community events. The Commission placed the community calendar on the agenda for the next County Commission meeting. The County Commission will approve a policy to go with the community calendar. The item was placed on the agenda for the January 28, 2010 County Commission meeting.

Carol York- Juvenile Justice Community Prevention Title V Grant- agreement / resolution

Grant Assistant, Carol York approached the Commission and presented a resolution for the Juvenile Justice Community Prevention Title V Grant. 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 to enter into a contractual agreement with the Division of Criminal Justice Services to receive and administer grant funds pursuant to provisions of the Juvenile Justice Community Prevention Title V Fund. This motion carried.

Deputy Kevin Barney- grants for PRO Teen Court & Oasis

Deputy Kevin Barney approached the Commission and explained that he is the PRO (Prevention Resource Officer) and he is applying for four grants through the WV Division of Criminal Justice Grant Program. Deputy Barney explained that the County Commission will be the fiscal agent for these grant programs. Deputy Barney explained that he will be presenting four resolutions in an upcoming meeting for the Commission to approve. Deputy Barney stated that the deadline for the applications for the grants is February 19, 2010. The Deputy explained that he will be applying for two Juvenile Accountability Block grants, one Juvenile Justice & Delinquency Prevention grant and one Enforcing Underage Drinking grant. The Commission thanked him for his time.

Discussion on possible contest for a flag for the new courthouse

The County Commission discussed the possibility of a flag contest for a Morgan County flag for the new courthouse. The winner will present their flag at the open house for the new courthouse. The winning flag will also be displayed at the new courthouse. The Commission will have a list of requirements for the contest. The deadline for the contest is June 1st, 2010. On a Stacy Dugan/Thomas Swaim motion, the County Commission will move forward with a Morgan County Commission flag contest with the deadline of June 1, 2010. This motion carried. The Commission will follow up with the requirements at a future County Commission meeting.

Public Hearing & Possible Decision on the Morgan County Canine Restraint and Outdoor Enclosure Ordinance

The public hearing opened at 6:30 p.m. The County Commission presented a draft ordinance to the citizens for public review and comments. The County Commission listened to public comments and reviewed each section of the draft ordinance. The County Commission made a few language changes to the ordinance. Gene Dagenhart approached the Commission and presented a swivel pole and chain explaining that a dog cannot get a chain tangled if the chain swivels around the pole. Jerry Ortel approached the Commission and explained that he was concerned about the language in Section 3, Care Requirements, concerning potable water. The Commission amended the language at Mr. Ortel's request. Lucille Sasser approached the Commission and presented language suggestions. The Commission added a few language changes to the ordinance and made a motion to adopt the ordinance. On a Thomas Swaim/Stacy Dugan motion, the County Commission adopts the Morgan County Canine Restraint and Outdoor Enclosure Ordinance with the added changes effective immediately. This motion carried. Commissioner Hutchinson thanked everyone for their hard work. The public hearing ended at 7:07 p.m.

Adjournment

On a Stacy Dugan/ Thomas Swaim motion, the County Commission adjourned the meeting at 7:10 p.m. This motion carried.