

# Morgan County Commission

## Meeting Minutes

### May 13, 2010

Members Present: Thomas Swaim, Brenda Hutchinson and Stacy Dugan

The meeting was opened by Cathy Payne, Deputy County Clerk at 3:34 p.m.

#### ADMINISTRATION ITEMS:

On a Stacy Dugan/Thomas Swaim motion, the County Commission approved the meeting minutes from the May 6, 2010 County Commission meeting. This motion carried.

#### Court Order

The County Commission approved and signed a court order designating Citizens National Bank, BB& T Bank and City National Bank as depositories for the Morgan County Commission.

#### Employee for Sheriff's Department

The County Commission approved the hiring of Richard Haines. Mr. Haines will temporarily take the place of Deputy Luke Shambaugh. Deputy Shambaugh has been deployed with the military.

#### Freedom of Information Act- Clean Water Act along Cacapon River

The Commission received a freedom of information act regarding the clean water act along the Cacapon River. The Commission will forward the FOIA to Prosecuting Attorney, Debra McLaughlin for review.

#### Job Description for Custodian

Commissioner Dugan presented a job description for the custodian position. The Commission reviewed and approved the job description.

#### Courthouse Plaque

Commissioner Swaim explained that he would like to have a plaque in the new courthouse. Mr. Swaim explained the plaque would have the names of the individuals that participated in the design and construction of the new courthouse. Mr. Swaim stated that he would like the following individuals included on the plaque: Bob Ford, Thomas Swaim, Stacy Dugan, Bill Clark, Maxie Maggio, Glen Stotler, Brenda Hutchinson, Jody McClintock and Aaron Robertson. The Commission agreed on the plaque.

Commissioner Swaim also stated that he would like the picture of Daniel Morgan hung in the new courthouse. Commissioner Swaim stated that the picture was saved in the fire. Commissioners Dugan and Hutchinson stated that they were fine with the picture being hung in the new courthouse.

#### AGENDA ITEMS:

#### Alma Gorse- Public Hearing- Commercial Improvement Location Permit Ordinance

Alma Gorse, County Planner, approached the Commission for the public hearing. The public

hearing opened at 4:30 p.m. Ms. Gorse presented the revisions from legal review. Ms. Gorse explained that this is the second public hearing since there is substantial legal changes from Attorney Richard Gay. The County Commission reviewed the ordinance and the revisions. The County Commission asked for public comment. There were no public comments. On a Thomas Swaim/Stacy Dugan motion, the County Commission accepted the amendments to the Commercial Improvement Location Permit Ordinance effective May 13, 2010. This motion carried. The public hearing ended at 4:45 p.m. Commissioner Hutchinson stated that she would like to thank the Planning Commission for continuing to update the ordinances and keeping the County Commission informed.

#### Alma Gorse- Present Zoning Study

Alma Gorse, County Planner, approached the Commission and presented the zoning study. Ms. Gorse explained that the zoning study is a description of how the zoning advisory group would approach the ordinance as required by WV Code. Ms. Gorse stated that this document can inform the people of the issues. Jack Soronen, Planning Commission President, approached the Commission and explained that it is required by state code to do the study before the county can introduce the ordinance. Mr. Soronen stated that the study is a study of the land and jurisdiction. On a Stacy Dugan/Brenda Hutchinson motion, the County Commission accepts the zoning study as presented by the Planning Commission. Commissioner Swaim opposed and stated that he believes the majority of the people in the county do not want zoning. This motion carried.

#### Alma Gorse- Present Soccer Field Environmental Proposals

Alma Gorse, County Planner, approached the Commission and explained that she had obtained 3 proposals for field work for the soccer field. Ms. Gorse explained the following proposals:

Potesta Engineers and Environmental Consultants- 6 soil samples- \$8,200.00

Thrasher Engineering- 10 soil samples- \$9,740.12

Miller Environmental Inc.- 12 soil samples- \$10,260.00

The Commission reviewed the proposals. On a Stacy Dugan/Thomas Swaim motion, the County Commission will go forward with Potesta Engineers and Environmental Consultants to do the soil samples and field work. This motion carried.

Ms. Gorse stated that she will go forward with contacting the Health Department and getting the water tested.

#### Susan Caperton- Funding for Teen Court

Susan Caperton, representing Teen Court, approached the Commission and gave a brief review on the program. Ms. Caperton explained that there are 55 kids in the program. Ms. Caperton stated that they are in the process of applying for additional grants. Ms. Caperton stated that back in the fall, she approached the Commission about the possibility of additional funds in the amount of \$5000.00, and the Commission agreed to distribute the funds when the teen court program needed them. Ms. Caperton stated that the teen court is in need of the funds at this time. On a Stacy Dugan/Thomas Swaim motion, the County Commission approved the funds request in the amount of \$5000.00 to the teen court program. This motion carried. The funds will be distributed out of the general fund account.

#### Bill Carey- Comcast

Bill Carey, representing Comcast, approached the Commission and explained that the franchise agreement requires a local person to monitor the service. Mr. Carey stated that he is the local person. Mr. Carey stated that the contract is up in 2012. Mr. Carey explained that he has been receiving complaints from citizens regarding Comcast, and he would like to receive the Commission's permission to contact Comcast regarding the complaints. The

Commission agreed for Mr. Carey to meet with a representative of Comcast to discuss the complaints. Jody McClintock, County Administrator, approached the Commission and stated that she will be meeting with a representative of Comcast. Mr. Carey and Commissioner Dugan agreed to attend the meeting also.

#### Selection of bids for trailers

The Commission reviewed the bids for the trailers and decking. The Commission received 2 bids for the decking and 5 bids for the trailers. On a Stacy Dugan/Thomas Swaim motion, the County Commission approved the bid from Nancy West for the decking in the amount of \$500.00. This motion carried.

On a Stacy Dugan/Thomas Swaim motion, the County Commission approved the bid from Faith Christian Academy in the amount of \$12,500.00 for the double wide trailer currently being used for the Circuit Clerk's office. This motion carried.

On a Stacy Dugan/Thomas Swaim motion, the County Commission approved the bid from Mountain View Solar and Wind in the amount of \$5,199.00 for the double wide trailer currently being used for the County Commission office. This motion carried. Commissioner Swaim stated that he voted to let this trailer go at this price because this will produce jobs for Morgan County. Commissioner Swaim stated that the trailer will be used as an office at the business park on Rt. 522 while the building is being built. Commissioner Hutchinson also stated that she had been made aware of Mountain View Solar and Wind's use of the trailer by EDA Director Bill Clark. She felt that the creation of jobs meant more than the amount received from the sale of the trailer.

The Commission discussed the single wide trailers. Commissioner Swaim stated he would like to donate the single wide trailer with the restroom to the Parks and Recreation board to be used at the soccer field. The Commission agreed. On a Thomas Swaim/Stacy Dugan motion, the County Commission agreed to donate the single wide trailer with the restroom to Parks and Recreation to be placed at the soccer field. This motion carried. The Commission discussed the possibility of donating the second single wide trailer to the Solid Waste Authority but later found out that the Solid Waste Authority declined the offer. The Commission will take requests to donate the second single wide trailer.

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#### Aaron Robertson- Application for payment #19 for courthouse

Aaron Robertson, Buildings Assistant, approached the Commission and presented an application for payment to Milestone Construction Services, Inc. On a Stacy Dugan/Thomas Swaim motion, the County Commission authorizes Brenda J. Hutchinson, president, to sign the application for payment #19 in the amount of \$854,805.15 to Milestone Construction Services, Inc. This motion carried.

#### Commission selects applicants to be interviewed for Custodial position

The County Commission went into executive session at 5:50 p.m. to discuss the applicants to be interviewed for the custodial position. This motion carried.

On a Thomas Swaim/Stacy Dugan motion, the County Commission came out of executive session and reconvened into regular session at 6:15 p.m. This motion carried. The County Commission and County Administrator selected eight individuals to be interviewed for the custodial position.

#### Decision on Security for the first floor in the new courthouse

Commissioner Hutchinson stated that she spoke with the Sheriff's Department, and they prefer the whole courthouse be secure. Commissioner Hutchinson stated that she feels that the current design of the courthouse makes it impossible to secure the first floor

completely. Commissioner Hutchinson stated that the courthouse was designed to have the first floor with open access to county offices. Commissioner Hutchinson stated that at the meeting with Steve Canterbury, Administrator Director for WV Supreme Court, Mr. Canterbury stated that it was the Commission's decision for security on the first floor of the courthouse, and he would support their decision. Commissioner Swaim stated that he believes the Sheriff is responsible for the security of the courthouse. Commissioner Hutchinson stated that she does not want the public to feel like a criminal when they come to the courthouse to pay their taxes or take care of county business. Commissioner Hutchinson ended her advocacy for open access to county offices with a quote from Benjamin Franklin, "Those who would sacrifice freedom for security deserve neither." Commissioner Dugan asked if there were any public meetings at the beginning of the courthouse project. Commissioners Swaim and Hutchinson stated yes, there were plenty of public meetings. Commissioner Dugan stated that she has talked to the citizens, and they want security and want to feel safe. Commissioner Dugan stated that she has spoken to hundreds of people and they have told her that they would not mind being screened when they enter the courthouse. Commissioner Swaim stated that he was involved in the original process, and the design of the courthouse and the sheriff is in control of the security in the courthouse and he supports the sheriff. Commissioner Swaim stated that if you are going to have two security people at all times, it would be a waste of tax payers money not to secure the whole building. Commissioner Hutchinson once again reiterated the fact that Steve Canterbury, Administrative Director for WV Supreme Court, stated that the decision for security for county offices should be made by the Commission. The County Commission took a vote and on a Thomas Swaim/Stacy Dugan motion, the County Commission will secure all three floors in the courthouse. Commissioner Hutchinson opposed. This motion carried.

#### Adjournment

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

Gross Payroll

\$75,192.73