

Morgan County Commission  
Meeting Minutes  
February 17, 2011

Present: President Stacy Dugan, Commissioner Brenda Hutchinson, and Commissioner Brad Close

Also Present: Jody McClintock, County Administrator, Ginger Johnson, Commission Secretary, Bruce Embrey, Andy Swaim, Dave Abner, Tricia Strader, Trish Rudder, Gerald Chaskes, Bill Locke, Megan Scott & Kristin Willard, representing Morgan County Partnership, Cindy Smally, Becky Stotler, Laura Smith, Jack Sorenson, Jeremy Compton, Mark Hann, Carol Layton, Jeanne Mozier and Stephanie Rebant, representing Travel Berkeley Springs, Denis Scott and Bob Meadows, representing West Virginia Extension, Laura Breeden and Kim Michael, representing Morgan County Sheriff's Tax Office, Alan Berge, representing Morgan County Solid Waste Authority, Nathan Cochran, Matt Omps and Kim Jackson, Morgan County Circuit Clerk

The meeting was opened by Cathy Payne, Chief Deputy County Clerk at 9:30 a.m.

ADMINISTRATION ITEMS:

Meeting Minutes

On a Brad Close/Stacy Dugan motion, the County Commission approved the meeting minutes from the February 3, 2011 County Commission meeting. This motion carried. On a Brad Close/Stacy Dugan motion, the County Commission approved the Board of Equalization meeting minutes from February 3, February 9 and February 11, 2011. This motion carried.

Amendment to Morgan County Ambulance Fee Ordinance

The County Commission approved the amendment to the Morgan County Ambulance Fee Ordinance and signed the appendix page.

Resolutions- Eliminate or lower the West Virginia State Food Tax

- Opposing House Bill 2698

Eliminate or lower the West Virginia State Food Tax

President Dugan presented a resolution to eliminate or lower the West Virginia State Food Tax. President Dugan asked if the Commission had a motion to sign the resolution. Commissioner Hutchinson stated that she will sign the resolution and she had agreed to sign the resolution at the last Commission meeting but there was not a vote taken. On a Brenda Hutchinson/Stacy Dugan motion, the County Commission supports the abolition or lowering of the State of West Virginia state imposed sales and use tax on food, commonly known as food tax. This motion carried.

Opposing House Bill 2698

President Dugan presented the resolution opposing House Bill 2698, requiring a nonbinding referendum, at County expense, in the counties of Morgan, Berkeley and Jefferson, to determine the desire of the voters to secede from West Virginia and become part of Virginia. Commissioner Close stated that at the last Commission meeting, he stated that he opposes House Bill 2698, but he still questions why the Commission would present the resolution. Commissioner Hutchinson stated that she agreed to sign the resolution at the last meeting. On a Brenda Hutchinson/Stacy Dugan motion, the County Commission signed the resolution stating that the Morgan County Commission is in opposition to House Bill 2698. Commissioner Close opposed. This motion carried.

Goals

The Commission reviewed the Goals for 2011. Commissioner Close and Hutchinson agreed to remove the restructure of the Parks and Recreation Board from the Boards section. The goals will be placed on the County Commission website.

### Community Volunteer Day

The Commission will discuss nominees for the Community Volunteer Day at the March 17, 2011 County Commission meeting.

### Tax Credit for Silling & Associates

Commissioner Close stated that he has not spoken to Tom Potts, Architect for Silling & Associates. Commissioner Close will speak to Mr. Potts and follow up with the Commission.

### Carol York, Grants Administrator- Resolutions for Morgan County Partnership

Carol York, Grants Administrator, approached the Commission and presented 3 resolutions to the Commission for review and approval. Ms. York stated that the resolutions are in support of substance abuse prevention efforts of the Morgan County Partnership. On a Brad Close/Brenda Hutchinson motion, the County Commission hereby authorizes Stacy A. Dugan, President of the Morgan County Commission, to act on its behalf to submit the applications to the grant program. This motion carried.

### AGENDA ITEMS:

#### Audrey Morris- Patriot Award

Audrey Morris approached the Commission to receive the patriot award. Commissioner Hutchinson thanked Ms. Morris for all of her hard work and volunteering. Commissioner Hutchinson stated that Ms. Morris genuinely cares about people and she truly admires her. Commissioner Hutchinson presented Ms. Morris with a certificate and pin. Ms. Morris's name is also engraved on a plaque hung in the courthouse.

#### County Commission present donation check to Starting Points

Commissioner Hutchinson also stated that the Commission had left over funds from the courthouse grand opening and would like to donate the funds to Starting Points. Commissioner Hutchinson presented the check in the amount of \$522.55 to Audrey Morris for Starting Points. The County Commission thanked Ms. Morris and Starting Points for all the help they give the citizens of Morgan County.

#### Amy Lane- Re-appointment to Morgan County Building Commission

On a Brenda Hutchinson/Brad Close motion, the County Commission re-appoints Amy Lane to the Morgan County Building Commission Board to serve a five year term. This appointment is effective immediately and will expire December 31, 2013. This motion carried.

#### Bill Locke, Berkeley Gardens Homeowner's Association- Road Maintenance

Bill Locke, representing the Berkeley Gardens Homeowner's Association approached the Commission to discuss the road maintenance on Gayle Drive between McDonald's and Rite Aid. Mr. Locke explained to the Commission that the road has terrible holes and needs repairs. Mr. Locke explained that the repair area is right off of US Rt. 522 and up to the bridge on Gayle Drive. Mr. Locke stated that according to the deed and agreement; McDonalds is responsible for 16% of the road, Berkeley Gardens is responsible for 29%, Rite Aid is responsible for 21% and the county is responsible for 34%. Mr. Locke stated that he has sent letters to McDonald's and Rite Aid corporate offices but has not had a response. The Commission stated that they do not have a problem contributing the 34% and the road definitely needs repaired. The Commission asked Mr. Locke to contact McDonald's and Rite Aid again to see if he can get a response. Mr. Locke stated that the homeowners association has received an estimate in the amount of \$30,360.00 to repair the road. The Commission also stated that the job may require taking bids. The Commission thanked Mr. Locke for his time.

#### Denis Scott, WVU Extension- Power Point presentation on extensions

- Funds request for Morgan County Fair- \$6500

#### Power point Presentation

Denis Scott, representing the WVU Extension, approached the Commission to present a power point presentation. Mr. Scott presented the Commission with a packet of information and explained the programs that the WVU Extension offers. Mr. Scott gave

an update on the programs completed in 2010. The County Commission thanked for Mr. Scott for the presentation.

Laura Smith- Funds request for Morgan County Fair- \$6500

Laura Smith, representing the Morgan County Fair approached the Commission and requested funds in the amount of \$6500 for fireworks for the Morgan County Fair in 2011. The Commission explained that the request will be reviewed during the budget meeting.

Jack Soronen- annual update on Planning Commission

- present final report for Rural Water Committee

- Annual update on Planning Commission

Jack Soronen, President, Morgan County Planning Commission, approached the Commission to give an update on the Planning Commission. Mr. Soronen presented building permit handouts showing the numbers of building permits issued each year from 1976 to present. Mr. Soronen explained that he was very pleased with the Planning Commission board members and commended them on the hard work that they had performed for the zoning ordinance. The Commission agreed that the Planning Commission and the Land Use Sub-Committee worked very hard and did a great job with the zoning ordinance. Mr. Soronen stated that was a big project and a good learning experience for the members. Mr. Soronen stated that future projects with the Planning Commission will include working on stormwater management. The Commission thanked Mr. Soronen for his time and hard work.

Present Final Report for Rural Water Committee

Jack Soronen, Chairman, Rural Water Committee, approached the Committee to give a status report on the Rural Water Committee. Mr. Soronen explained that the rural Water Committee was initially appointed by the County Commission in 2001 and was asked to study various possibilities that could provide a primary or alternative source of water for Morgan County. Mr. Soronen stated that a second task was to seek to provide a back-up supply of water that the Town of Bath could use in case of a short term emergency. Mr. Soronen explained that over the years, the committee met at least monthly, received a \$300,000 grant from the West Virginia Conservation Agency, held public forums, oversaw research into groundwater resources conducted by the US Geological Survey and the WV University Hydrogeology Research Center, coordinated efforts with other county entities and several federal and state agencies, and was awarded a prestigious federal Environmental Protection Agency Award. Mr. Soronen stated that the committee completed its assigned tasks in 2007 with the submittal of a public water supply plan. Mr. Soronen presented a handout of information including the timeline of tasks completed to the Commission. Mr. Soronen requested that the Commission think about the possibility of establishing a committee to work with rural water committee issues since the committee has finished the tasks and is no longer active. The Commission reviewed the information and thanked Mr. Soronen for all of his hard work with the Rural Water Committee.

Tom Rokisky, CNB Bank- Review CD's (Certificate of Deposit) with Commission

Tom Rokisky, representing CNB Bank, approached the Commission and presented information to the Commission for review. Mr. Rokisky reviewed the list of accounts and interest rates for the accounts with the Commission. Kim Michael, Sheriff Tax Office, approached the Commission and Mr. Rokisky and asked if a transfer can be made from the fire recovery fund and put into a CD (Certificate Of Deposit) so it can accumulate more interest instead of leaving the money in a regular checking account. Mr. Rokisky stated that the transfer can be made without a penalty. Ms. Michael asked permission from the Commission to make the transfer. The Commission approved the request. On a Brad Close/Brenda Hutchinson motion, the County Commission approved the transfer of the checking account down to \$1000 and transferring the funds to the 36 month certificate of deposit. This motion carried.

Frank Subasic- Interview for Economic Development Authority Board

Frank Subasic approached the Commission for an interview to serve on the EDA (Economic Development Authority) board. Mr. Subasic stated that he is a board member on the Region 7 Task Force. Mr. Subasic stated that he is aware that Morgan County

citizens are traveling outside of the county to find work and it is costly to the people. Mr. Subasic stated that he would like to help build the economic development in Morgan County and create jobs. Mr. Subasic stated that he would start with the existing businesses and try to be a supporter of the businesses and help them grow to create jobs in Morgan County. The County Commission thanked Mr. Subasic for his time and interest.

Chief Deputy Tony Link, Morgan County Sheriff's Department- Resolution & Grant Application for Prevention Resource Officer

Carol York, Grant Administrator and Chief Deputy Tony Link approached the Commission and presented a resolution for the Juvenile Accountability Block Grant. On a Brenda Hutchinson/Brad Close motion, the County Commission authorizes Stacy A. Dugan, President of the Morgan County Commission, to act on its behalf as the official representative in regards to the West Virginia Juvenile Accountability Block Grant application to request funding for a Prevention Resource Officer for the Morgan County Schools. This motion carried.

On a Brad Close/Brenda Hutchinson motion, the County Commission adjourned for lunch at 12:15 p.m. This motion carried.

On a Brad Close/Brenda Hutchinson motion, the County Commission reconvened after lunch at 1:30 p.m. This motion carried.

Jeremy Compton- Interview for Morgan County Planning Commission

Jeremy Compton approached the Commission for an interview for the Planning Commission board. Mr. Compton stated that he would like to give to the community and help guide the county in the right direction for the benefit of all citizens and our children. Commissioner Close asked Mr. Compton if he will be able to attend the monthly meetings. Mr. Compton stated yes, it will not be a problem for him to attend the meetings. The Commission thanked Mr. Compton for his time and interest.

Mark Hann- Interview for Morgan County Planning Commission

Mark Hann approached the Commission for an interview for the Planning Commission board. Mr. Hann stated that he is a small business owner in Morgan County. Mr. Hann stated that he would like to help serve his community. Mr. Hann explained that he is active in Adventist Community Services Disaster Response. Mr. Hann stated that he works with the Federal Emergency Management Agency (FEMA) and other Volunteer Organizations Active in Disaster (VOAD) in West Virginia and Maryland and local government agencies to coordinate effective disaster response in the event of emergency. Commissioner Close asked Mr. Hann if he will be able to attend the monthly meetings. Mr. Hann stated yes, he will attend the meetings. The Commission thanked Mr. Hann for his time and interest.

Eric LaRue- Interview for Planning Commission

Eric LaRue approached the Commission for an interview for the Planning Commission board. Mr. LaRue stated that he works in construction and has been a construction superintendant for 15 years. Mr. LaRue stated that he has good general knowledge of construction and would like to apply that knowledge to planning and development in Morgan County. Mr. LaRue stated that he is a life long resident of WV and has lived in Morgan County since 1988. Commissioner Close asked Mr. LaRue if he will be able to attend the monthly meetings. Mr. LaRue stated yes, he will be able to attend the meetings. The Commission thanked Mr. LaRue for his time and interest.

The County Commission will make a decision on the Planning Commission Board member at the County Commission meeting on March 17, 2011.

Jeanne Mozier, Travel Berkeley Springs, - Hotel/Motel Tax

Jeanne Mozier and Stephanie Rebant, President, Travel Berkeley Springs, approached the Commission to discuss the hotel/motel tax. Ms. Mozier presented a financial report to the Commission for their review. Ms. Rebant stated that Travel Berkeley Springs has cut

costs as much as they can but funds are very low. Ms. Rebant stated that Travel Berkeley Springs held a meeting and approximately 30 members attended the meeting to discuss the hotel/motel tax and the possibility of increasing the tax percentage from 3% to 4%. Ms. Rebant stated that the majority of the members are in favor of raising the percentage. Commissioner Close asked if the situation would be this bad if some of the town businesses had paid their portion of the hotel/motel taxes. Commissioner Close stated that he does not have a problem raising the percentage if the town agrees to raise the percentage as well. The Commission agreed. The Commission scheduled a public hearing for March 16 @ 7:00 p.m. to hear public comments or concerns regarding the increase in the hotel/motel tax.

#### Discussion on War Memorial Hospital Et al versus Baker et al

President Dugan recused herself from the discussion and left the Commission Meeting room because of a conflict of interest due to her employment at Valley Health. On a Brad Close/Brenda Hutchinson motion, the County Commission went into executive session at 2:40 p.m. as advised by legal counsel. This motion carried.

On a Brad Close/Brenda Hutchinson motion, the County Commission came out of Executive Session at 3:05 p.m. This motion carried. On a Brad Close/Brenda Hutchinson motion, the County Commission agrees to pay half of the pre-judgement and post-judgement interest on the assets distributed from the Defined Benefit Plan pursuant to the court's May 4, 2009 order to the following defendants: Jennifer Baker, Janet Horner, Sharon Hendershot, Barbara Johnson, Tanya Maley, Helen Miller, Christine Mullen, Ruth Smith, Bernice Stotler, Dee Ann Stotler, Linda Stotler, Barbara Yost, Carol Layton, Nancy Waugh and Terry Kesecker. This motion carried. The County Commission will pay \$23,972.50 and Valley Health will pay the remaining \$23,972.50 totaling an amount of \$47,945.00.

#### Decision on Economic Development Authority member

Commissioner Close moved to appoint Frank Subasic to the EDA board. There was not a second. Commissioner Dugan made a motion to appoint Jerry Berman to the EDA board. Commissioner Hutchinson stated that she thinks both applicants are very knowledgeable and already volunteer on task forces. Commissioner Hutchinson stated that she believes both applicants are equally good for the board seat. Commissioner Hutchinson stated that a mistake was made a year ago and Mr. Berman was appointed but there was not actually a board seat available. Commissioner Hutchinson agreed to second President Dugan's motion. On a Stacy Dugan/Brenda Hutchinson motion, the County Commission appoints Jerry Berman to the EDA board to serve a three year term. Commissioner Close opposed. This motion carried. This appointment is effective immediately and will expire December 31, 2013.

#### Al Berge, Solid Waste Authority- Holiday Schedule for Solid Waste Authority

Al Berge, representing the Solid Waste Authority, approached the Commission to discuss the holiday schedule for the Morgan County Recycling Center. Mr. Berge stated that the Morgan County Recycling Center uses the county's holiday schedule and is closed the same holidays as the county. Mr. Berge stated that citizens have approached the recycling center regarding being open on holidays. Mr. Berge asked the Commission for their opinion on opening the recycling center on certain holidays. Mr. Berge explained that the recycling center could be open on Martin Luther King, Jr. Day, President's Day but will remain closed on Memorial Day, Independence Day and Thanksgiving and Christmas holidays. President Dugan stated that the Solid Waste Authority Board members could make the schedule. Mr. Berge stated that some of the members are for the change and some would like to keep the current schedule. Commissioner Hutchinson stated that she thinks if the recycling center picks certain holidays to close, this may confuse the public and create more of a problem. Commissioner Close stated that his first instinct is to keep the original schedule and remain closed on all holidays. The Commission agreed. Mr. Berge thanked the Commission for their time and opinions.

#### Kim Jackson, Circuit Clerk- Executive Session- Personnel Matter

On a Brenda Hutchinson/Brad Close motion, the County Commission went into Executive Session at 3:45 p.m. to discuss a personnel matter. This motion carried. On a

Brenda Hutchinson/Brad Close motion, the County Commission came out of Executive Session at 4:06 p.m. This motion carried. On a Brenda Hutchinson/Brad Close motion, the County Commission agrees to transfer \$1287 into Kim Jackson, Circuit Clerk's salary line item so she can pay Judy Crosby, Circuit Clerk office employee, for her vacation benefits when she retires. This motion carried.

Administrator's Report

ING- Representative setting appointments for current and new enrollees

Jody McClintock, County Administrator, stated that representatives from the ING will be coming to meet with county employees regarding enrollment in the 457 Deferred Retirement Plan on February 23 & 24<sup>th</sup>, 2011.

Decision made on the additional internet capacity for courthouse

Jody McClintock, County Administrator, explained to the Commission that Frontier agreed to provide internet service to the courthouse on a month to month basis until a decision for an internet provider is made.

Adjournment

On a Brad Close/Brenda Hutchinson motion, the County Commission adjourned the meeting at 4:30 p.m. This motion carried.