

Morgan County Commission
Meeting Minutes
July 7, 2011

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

Also Present: Jody McClintock, County Administrator, Ginger Johnson, Commission Secretary, Kate Shunney, Tricia Strader, Andy Swaim, Kate Shunney, Andrew LaPorta, Tim Seims, Jim Fritz, Linda Kulgaard, Kyle Shambaugh, Danielle Hofe, Probation, Sean Bryner, Probation, Dan James, Asst. Prosecuting Attorney, Dave McDonald, IT Webmaster, Kevin Duckwall and Robert Dugan, Morgan County Emergency Medical Services

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

ADMINISTRATION ITEMS:

On a Brad Close/Brenda Hutchinson motion, the County Commission approves the minutes from the June 16, 2011 and June 23, 2011 County Commission meetings. This motion carried.

Calendar for July

The Commission approved the calendar for July

SPFSIG Report & Morgan County Partnership Memo

The Morgan County Partnership has paid back the money owed to the Commission for the SPFSIG grant and Title V grant for overpayments and variances. Commissioner Close gave a special thanks to Carol York, Grants Administrator, Cathy Payne, Chief Deputy County Clerk and Kristin Willard, Morgan County Partnership for all their hard work with getting the issues solved and all the money paid back in full.

Resolution for Eastern Panhandle Transportation Authority (EPTA) grant

Commissioner Hutchinson explained that the Morgan County Commission has been allocated \$15,000 from a grant program by the Eastern Panhandle Transportation Authority to obtain consulting engineering services for the design of site improvement to the Community Center Building on Green Street including sidewalks, landscaping, storm drainage, crosswalks, curbing, paving and related work along Green Street fronting the building and along Rt. 9 across Mercer Street to the Sheetz property. On a Brenda Hutchinson/Brad Close motion, the County Commission authorizes Stacy A. Dugan, President, as the official representative for the Morgan County Commission in the administration of the Governor's Community Participation Program for the Eastern Panhandle Transportation Authority. This motion carried.

Courthouse Security Fund Grant Contract

Carol York, Grant Administrator, approached the Commission with a resolution for a courthouse security fund grant contract. On a Brad Close/Brenda Hutchinson motion, the County Commission authorizes Stacy A. Dugan, President of the Morgan County Commission, to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grant funds pursuant to provisions of the Court Security Fund Grant program. This motion carried.

Decision on individuals to be interviewed for Solid Waste Authority

The Commission decided to wait and see if there were more applicants before scheduling interviews.

Decision on individuals to be interviewed for Planning Commission

The Commission reviewed the applicants and decided to schedule two interviews for the Planning Commission. The applicants are David Stohl and Brian Carter.

AGENDA ITEMS:

Andrew LaPorta- fence constructed on Right of Way property

Andrew LaPorta approached the Commission. Mr. LaPorta explained that he has property on Woodmont Rd. located in Great Cacapon, WV. Mr. LaPorta explained that the recent rains have rutted out the road creating bad conditions. Mr. LaPorta presented photos of the road conditions to the Commission. Mr. LaPorta asked the Commission if the county can supply five loads of stone to help improve the road. Commissioner Close stated that unfortunately the County Commission cannot help. Commissioner Hutchinson explained that Woodmont Rd. is a state maintained road and the county cannot help. Mr. LaPorta thanked the Commission for their time.

Lee Fowler, Morgan County Health Department

Bruce Ullom, representing the Morgan County Health Department, approached the County Commission to discuss the protocols to be used when contact occurs with a rabid animal. Mr. Ullom stated that Mr. Fowler could not attend the meeting. Mr. Ullom presented an information sheet to the Commission. The information sheet explains general information on what to do if you come into contact with a potentially rabid animal. President Dugan asked how an individual can reach the Health Department on the weekends and holidays. Mr. Ullom explained that on weekends and holidays, phone calls are transferred to Lee Fowler's cell phone, and there is also a recording with emergency numbers. The Commission stated that this is good information and they will make copies for the public's use. The County Commission thanked Mr. Ullom for his time. Later in the meeting, Dave Michael, Office of Emergency Services Director, approached the Commission to discuss the tower sharing issues for broadband internet service. While Mr. Michael was at the meeting to discuss the tower sharing issues, the Commission asked Mr. Michael what the 911 Emergency Operators do when a rabies call comes in. Mr. Michael stated that if the animal is a domestic animal, the operator instructs the caller to contact Animal Control. If the animal is a wild animal, the operator instructs the caller to contact DNR (Department of Natural Resources).

James Fritz, Cacapon River Meadows Subdivision- Petition for ATV ordinance

James Fritz, representing the Cacapon River Meadows Subdivision homeowners association, approached the Commission with a petition for the enactment of the ordinance relating to the regulation of all-terrain vehicles (ATV) in the location and area regulated by the homeowner's association for the Cacapon River Meadows Subdivision. The Commission reviewed the information. President Dugan stated that property owners received a letter stating that property owners would be allowed to use ATV's if the ordinance was passed but the ordinance will ban all ATV's, even from the property owners use. Commissioner Close stated that the subdivision's covenants state that the association, by a vote of two-thirds (2/3) of its members may make additional rules. Commissioner Close stated that he wasn't for sure that the homeowner's association had enough votes to enact the ATV ordinance in the subdivision. After reviewing the meeting minutes and letter, the County Commission wanted to make sure that all property owners understand the ordinance will ban all ATV's, even from their use. The County Commission suggested that Cacapon River Meadows Subdivision Homeowner's Association send a new letter to its property owners explaining the ATV ordinance will ban all ATV's and will include the property owners and take a new vote. Mr. Fritz thanked the Commission for their time.

Decision on paying off county loans

Commissioner Close stated that it is important to look at how to cut down on debt and pay off county loans. Commissioner Close presented a spreadsheet to the Commission. Commissioner Close suggested paying off smaller loans and applying more to the remaining large amount loan. Commissioner Close suggested paying off the loan for the 522 soccer field and the loan for the Morgan County Sheriff's Departments cruisers. President Dugan stated that she would like to pay off the magistrate building as well. Commissioners Hutchinson and Close stated that they were not comfortable with paying off all three loans at this time using the majority of the money in the account. Commissioner Hutchinson stated that she will not agree to any money coming out of the fire recovery fund and stated that money is there to pay down the courthouse debt. Commissioner Close suggested using the coal severance fund to pay off the 522 soccer field and the cruiser loans and pay extra on the loan for the Magistrate Building. President Dugan stated that she still prefers paying off the magistrate building as well. On a Brad Close/Brenda Hutchinson motion, the County Commission approves using the coal severance fund to pay off the loan for the 522 soccer field and the loan for the cruisers for the Sheriff's Department and to pay an additional \$3500 on the magistrate building payment. President Dugan opposed. This motion carried.

Discussion on additional funds requests (Solid Waste Authority & Berkeley Springs Museum)

The Commission reviewed the funds requests for the Solid Waste Authority and the Berkeley Springs Museum. The Commission stated that funds allocated for the Solid Waste Authority come out of the general county fund. The Commission agreed to wait until the next Commission meeting when they know the amount of funds left in carry over before they allocate funds to the Solid Waste Authority. Funds allocated for the Berkeley Springs Museum come out of the hotel/motel fund. On a Brad Close/Brenda

Hutchinson motion, the County Commission agreed to fund the Berkeley Springs Museum with funds in the amount of \$1500. This motion carried.

Discussion and Possible decision regarding Marcellus Shale Committee

Commissioner Hutchinson explained that she had approached the Planning Commission regarding a Marcellus shale committee. Commissioner Hutchinson explained that the Planning Commission does not want to participate with this project. Commissioner Hutchinson stated that she will oversee the project. Commissioner Hutchinson suggested that each Commissioner submit names of two individuals to serve on the committee. The Commission agreed to select individuals for the Marcellus shale committee at the next County Commission meeting held on July 21, 2011.

Alma Gorse, County Planner- Grant Application Approval for Chesapeake Bay Regulatory & Accountability program

Alma Gorse, County Planner, approached the Commission and presented an application for the Chesapeake Bay Regulatory and Accountability Program Grant. Ms. Gorse explained that this project will fund a consultant to do an all-inclusive review of Morgan County's Comprehensive Plan, Subdivision Regulations, Commercial Regulations and Stormwater Management Ordinance and conduct a comparison of these regulations to recommendations provided in the Watershed Implementation Plans drafted by the West Virginia Department of Environmental Protection, the Model Stormwater Management Ordinance produced for the Eastern Panhandle of West Virginia and the Chesapeake Bay TMDL Executive Summary. Ms. Gorse stated that the goal of this initiative is to improve water quality and habitat within our local streams, thus contributing to the restoration of the Chesapeake Bay. Ms. Gorse stated that there is no cost to the county. On a Brenda Hutchinson/Brad Close motion, the County Commission approves the application submittal for the Chesapeake Bay Regulatory and Accountability Program Grant. This motion carried.

Jody McClintock, County Administrator- Recommendation for Community Service Officer

Jody McClintock, County Administrator, explained to the Commission that she and Deputy Wade Shambaugh, Morgan County Sheriff's Department, had conducted interviews for the hiring of a Community Service Officer. Ms. McClintock stated that the employee will mostly work on the weekends and report to Deputy Shambaugh. Ms. McClintock stated that their recommendation for the Community Service Officer is Roger Deron Spring. On a Brad Close/Brenda Hutchinson motion, the County Commission accepts the recommendation and the hiring of Roger Deron Spring for Community Service Officer. This motion carried.

Dave Michael- OES Director, Tower Sharing Issues for Broadband Internet Service

Dave Michael, OES Director, approached the Commission to discuss sharing towers. Mr. Michael stated that there is a verbal agreement with Sky Web to mount tower structures on the 911 Tower at the Cacapon State Park. Mr. Michael asked for approval and recommendations for the towers. Mr. Michael suggested in the future to have written agreements instead of verbal agreements. Mr. Michael requested the Commission adopt

a policy allowing service providers to use towers. Mr. Michael stated that Sky Web has requested to share the tower at Cacapon State Park, and he requested the County Commission create a written agreement with Sky Web including specifics for companies sharing the same towers. The Commission asked Mr. Michael to draft an agreement, and they will review it. The Commission will review the agreement at the next County Commission meeting on July 21, 2011.

EMS Contract Discussion

Kevin Duckwall and Bob Dugan, representing the Morgan County Emergency Medical Services, approached the Commission to discuss the EMS contract. The County Commission reviewed the contract. The County Commission agreed to work on the contract with Mr. Duckwall and draft changes as necessary. President Dugan agreed to follow up with Mr. Duckwall regarding the contract and changes.

Administrator's Items

Annual dues for County Commissioners' Association of WV

Jody McClintock, County Administrator, presented a bill for the annual dues for the County Commissioners' Association of WV. On a Brad Close/Brenda Hutchinson motion, the County Commission approves the payment of \$2950 for the County Commissioners' Association of WV annual dues. This motion carried.

Review maintenance contracts for HVAC, Boilers, RTU's and Fluid Coolers

HVAC Software- Jody McClintock, County Administrator, explained that Munin Group, Inc. owns the software and if we choose not to go with Munin, we will be unable to access any of the controls for our HVAC, RTU, Boiler and heat exchanger systems. Ms. McClintock stated that the maintenance contract for Munin Group, Inc. is \$6800/year.

HVAC, Boilers, RTU's and Fluid Coolers

Jody McClintock, County Administrator, stated that she recommends having one company cover as many systems as possible. Ms. McClintock recommended Remco, Inc.

On a Brad Close/Brenda Hutchinson motion, the County Commission accepts the maintenance referrals from Jody McClintock, County Administrator, and approves the payments to be paid out of the coal severance fund. This motion carried.

Phone Service- Jody McClintock, County Administrator discussed the problems with the telephone service at the courthouse. Ms. McClintock stated that the telephones have not been working properly, and there are even days that the courthouse cannot receive any calls or make calls. Ms. McClintock stated that this is unacceptable and is creating a problem with all the county offices and the courts that need to conduct business. On a Brad Close/Brenda Hutchinson motion, the County Commission approved Ms. McClintock's request to send a letter to Fibernet/ NTelos asking for the problems to be resolved or the service and term agreement will be cancelled. This motion carried.

Contract with ARRO Consulting for design services for Community Center Improvements through TEP Grant Program

Jody McClintock, County Administrator, presented a contract for ARRO Consulting for design services for the Community Center Improvements through the TEP grant program. Ms. McClintock explained the contract is for professional engineering services to Morgan County to perform design services for sidewalks and related improvements to the Community Center building. The services will include the design of site improvements to the Community Center Building on Green Street including sidewalk, landscaping, storm damage, crosswalks, curbing, paving and related work along Green Street fronting the building and along Rt. 9 across Mercer Street to the Sheetz property. On a Brad Close/Brenda Hutchinson motion, the County Commission accepts the services agreement with ARRO Consulting. This motion carried.

Adjournment

On a Brenda Hutchinson/Brad Close motion, the County Commission adjourned the County Commission meeting at 12:48 p.m. This motion carried.