

Berkeley County Commission Meeting

July 1, 2010

9:30 A.M.

Present:

Ronald K. Collins, President

William L. Stubblefield, Commissioner

Anthony J. Petrucci, Commissioner

Deborah Hammond, County Administrator

Norwood Bentley, County Counsel

Also Present: Penny Miller, County Commission; Marsha Kelley, Director Finance and Purchasing; Gwen Campbell, Finance; Maria Childers, Fiduciary Supervisor; Alan Davis, Deputy County Administrator; The Honorable Patsy Kilmer, Assessor; The Honorable Sheriff Kenneth Lemaster; Gary Collis, Director, Berkeley County Emergency Ambulance Authority; Charles Hall, President, Berkeley County Emergency Ambulance Authority; Debbie Nichols, Berkeley County Emergency Ambulance Authority

The Morning Prayer was led by Rev. Al Clipp of the Calvary United Methodist Church followed by the Pledge led by Ms. Campbell.

President Collins stated that all Berkeley County Offices would be closed on Friday, July 2, 2010 in observance of the death of Senator Robert Byrd. President Collins asked that everyone take a moment tomorrow to remember all the great things that Senator Byrd did for the Nation, the State of West Virginia, the Eastern Panhandle and Berkeley County.

President Collins introduced Ethan Campbell who is an Eagle Scout with Troop 163 who was observing the County Commission Meeting working on earning his Citizenship Award. President Collins invited Mr. Campbell to sit with the Commission during the meeting.

Re: Agenda

President Collins read the Agenda for the July 1, 2010 Berkeley County Commission Meeting and stated that the Draft Lease Agreement for Region 9 Planning and Development Council was pulled from the Agenda.

Commissioner Petrucci made a motion to accept the Agenda with the amendment stated by President Collins. Commissioner Stubblefield seconded the motion. The motion carried.

Re: Consent Agenda

1. Purchase Order Log

Commissioner Stubblefield questioned page 10 for Florida Micro and asked if this invoice was from last year's Grant. Ms. Kelley stated this was from a COPS Technology Grant that has been ongoing for the past year.

2. Approval of Minutes

There were no changes or additions to the June 24, 2010 Berkeley County Commission Meeting Minutes.

3. Hiring Recommendations and Changes in Status

There was one Hiring Recommendation for the County Clerk's Office and two Hiring Recommendations for 911 Central Dispatch.

4. Commission Calendars

President Collins reviewed the Commission Calendars for the month of July.

5. Board and Commission Calendars

President Collins reviewed the Board and Commission Calendars for the month of July.

6. Resolutions – South Berkeley Little League Improvements, LEDA Grant Falling Waters, Battlefield Association

President Collins reviewed the Resolutions for South Berkeley Little League Improvements and the LEDA Grant for Falling Waters Battlefield Association.

Re: Consent Agenda Approval

Commissioner Petrucci made a motion to approve the Consent Agenda for the July 1, 2010 Berkeley County Commission Meeting. Commissioner Stubblefield seconded the motion. The motion carried.

Re: Correction of Assessments Log, Apportionment of Assessment Applications and Consolidation of Properties Applications – Assessor's Office

The Honorable Patsy Kilmer appeared before the Commission to present the Personal Property Tax Exonerations for the Assessor's Office.

Commissioner Petrucci made a motion to approve the Personal Property Tax Exonerations as presented by the Assessor. Commissioner Stubblefield seconded the motion. The motion carried.

Re: Board and Commission Meeting Reports

Commissioner Petrucci stated that on Monday he did a walk through at the Boydville Property to view the tree damage. Commissioner Petrucci stated that the work to repair the damages on the property is being done by the Farmland Protection Board and all the work is volunteer work.

Commissioner Petrucci stated that he had received numerous calls from business owners concerning the work being performed on Rt. 11 South for the water drainage. He stated that the business owners are looking for answers as to when the project will be completed and stated that he was not able to give any answers since this was a State Project. Commissioner Stubblefield stated that he made a call to Charleston, but did not receive any response. Commissioner Stubblefield recommended that the Commission send a letter to Charleston.

Commissioner Stubblefield stated that he attended the Berkeley County Ambulance Authority Meeting. He stated that a discussion was held concerning the high mileages on the ambulances. Commissioner Stubblefield stated that out of eleven (11) units, two (2) had over 200,000 miles, four (4) had over 125,000 miles, two (2) had over 100,000 miles and the two (2) newest units were approaching 75,000 miles. He also stated that the Ambulance Authority is spending approximately \$90,000 a year on maintenance of these vehicles. Commissioner Stubblefield stated that he attended the Water District Meeting. He stated that the District is offering the use of their Board Room located at 77 Monroe Street, to any County Agency for occasional meetings. Commissioner Stubblefield also stated that arrangements for use of this room will be made through Paul Fisher. Commissioner Stubblefield stated that the meeting he had previously scheduled with Senator Byrd's staff concerning the Inwood traffic had been cancelled. He also stated that until a new Senator is appointed all appointments are being referred to Senator Rockefeller's Office. Commissioner Stubblefield stated that Ms. Miller had done a very nice job assembling the briefing package for the presentation. Commissioner Stubblefield stated that a local ceremony will be held for Senator Byrd on Monday at the St. Luke's Church.

President Collins stated that he did not have any meetings this week.

Re: Board and Commission Vacancies

Commissioner Stubblefield stated that an interview had been conducted last week for the Planning Commission. President Collins stated that he would like to wait for the return of Stefanie Allemong-Miller before appointing anyone to the board.

President Collins stated that a letter had been received by Jim Reuss expressing interest in being reappointed to the Berkeley County Building Commission.

Commissioner Stubblefield made a motion to reappoint Mr. Reuss to the Berkeley County Building Commission. Commissioner Petrucci seconded the motion. The motion carried.

**Re: Maria Childers, Fiduciary Supervisor
Estate Accounts – Month of July
Estate Hearing Scheduling – Month of July**

Maria Childers, Fiduciary Supervisor, appeared before the Commission to present the forty five (45) Estate Accounts for the month of July. President Collins read the list of names for the forty five (45) Estate Accounts. (See list attached)

Commissioner Petrucci made a motion to approve the forty five (45) Estate Accounts as read by President Collins. Commissioner Stubblefield seconded the motion. The motion carried.

Ms. Childers scheduled the July Estate Hearings with Ms. Hammond for August 19, 2010.

**Re: Interview for Board and Commission Vacancy
Neil R. McLaughlin – Candidate Region 9 Planning and Development Council**

Neil McLaughlin appeared before the Commission as a Candidate for the Region 9 Planning and Development Council. The Commissioners interviewed Mr. McLaughlin.

Commissioner Petrucci made a motion to appoint Mr. McLaughlin to the Region 9 Planning and Development Council. Commissioner Stubblefield seconded the motion. The motion carried.

**Re: Nelson Oliver
Dakota Oliver
Request for Waiver of Building Permit Fees – Construction of a Pavilion as an Eagle Scout Project**

Nelson Oliver and his son Dakota Oliver appeared before the Commission to request a waiver of Building Permit Fees for the construction of a pavilion for an Eagle Scout Project. Dakota Oliver reviewed his project. He also stated that he had many volunteers donating supplies and assistance for his project such as Essroc donating cement and volunteers at his church donating lumber. Mr. Oliver stated that he has held fund raisers to assist with the cost of his project such as car washes and a snow cone concession stand. Mr. Oliver stated that he will be constructing the pavilion at the Bunker Hill Church of the Brethren in an open field.

Commissioner Stubblefield stated that while the Commission has waived permit fees in the past for Eagle Scout Projects and while he commended Mr. Oliver for his project, he stated that he had concerns with this large of a project being constructed for a church. Commissioner Stubblefield expressed his concerns with this setting precedence for other churches to request the waiver of Building Permit fees.

Commissioner Petrucci stated that he would like to come up with a policy to protect the Commission, but must be careful not to set precedence for this to be a waiver for the church, but for the Eagle Scout project.

Mr. Bentley stated the he will work on a policy and present to the Commission at the July 15, 2010 Meeting.

President Collins stated they would reschedule the Request for the waiver of Building Permit Fees for the Eagle Scout project for July 15, 2010.

**Re: Jim Castleman, Project Director
Washington Heritage Trail
Request for Support of Grant Application Submittal**

Jim Castleman, Project Director for the Washington Heritage Trail appeared before the Commission to request a letter of support for the Washington Heritage Trail Grant Application Submittal. Mr. Castleman stated that he was not requesting any match from the County, only a letter of support. Mr. Castleman stated he would provide a letter to the Commission for their signatures.

Commissioner Stubblefield made a motion to support the Washington Heritage Trail Grant Application with no match from the County. Commissioner Petrucci seconded the motion. The motion carried.

**Re: Alan Davis, Deputy County Administrator
The Honorable Kenneth Lemaster, Sheriff and Treasurer
Bid Award Recommendations – Banking Services**

Mr. Alan Davis, Deputy County Administrator, appeared before the Commission to present the Bid Award Recommendations for the Banking Services. Mr. Davis stated that Bids were received from City National Bank, Centra Bank and MVB Bank. Mr. Davis stated that Centra Bank and MVB Bank met all the requirements, but City National Bank did not meet the requirements. Mr. Davis stated that it was his recommendation to award the Bid to MVB Bank as they provided the highest interest of 34% of prime and met all the requirements.

The Honorable Sheriff Lemaster appeared before the Commission and stated that he concurred with Mr. Davis on the recommendation of MVB Bank. Sheriff Lemaster stated that changing banks would present more work on the Tax Office as it will take two (2) years to streamline from one bank to another. He also stated that the efficiency of the Tax Office may go down due to doing double work. Sheriff Lemaster stated that since this is required to be bid out every year, the Tax Office could have a new bank every year and this puts a burden on the Tax Office. Sheriff Lemaster stated that he would like to go on record as saying he had no complaints with Centra Bank and was very pleased with the service received by Centra Bank, but the bid award was based on MVB having a better interest rate. Commissioner Stubblefield stated that the Commission will make a request to the Legislators to request to change the bid requirement from every year.

Commissioner Petrucci made a motion to award the Banking Services Bid to MVB Bank when the contract with Centra Bank expires in mid July. Commissioner Stubblefield seconded the motion. The motion carried.

**Re: Clint Hogbin, Berkeley County Solid Waste Authority
Report on Current Activities – Berkeley County Solid Waste Authority**

Clint Hogbin of the Berkeley County Solid Waste Authority appeared before the Commission to report on the current activities for the Solid Waste Authority. Mr. Hogbin stated that the Solid Waste Authority continued operation and expansion of the Berkeley County Voluntary Drop Off Recycling Program and voluntary curbside collections. He also stated that a voluntary curbside and drop off collection was conducted for Christmas trees in addition to a voluntary curbside and drop off program for freon appliances. Mr. Hogbin stated that the Solid Waste Authority testified before the Senate

Judiciary Committee in support of Senate Bill 489 and 627. Mr. Hogbin stated that the Solid Waste Authority had obtained final State approval of the updated Berkeley County Comprehensive Litter and Solid Waste Control Plan. Mr. Hogbin also stated that the Solid Waste Authority has completed their relocation to their new office. Mr. Hogbin stated that the Solid Waste Authority continues advancing the railroad elimination effort at LCS/North Mountain Landfill. This involves an EPA Phase II Environmental remediation of the site. Mr. Hogbin stated that the Solid Waste Authority had applied for several Grants to pay for this work. Mr. Hogbin stated that the notification of Recycling Activity; Groundwater Monitoring and Stormwater permit registration requirements were completed. Mr. Hogbin also stated that the Solid Waste Authority had initiated a plan for a composting bin and rain barrel truckload sale and initiated planning for a Pilot Program for accepting plastic #3 through #7. The Commissioners all thanked Mr. Hogbin for his excellent report.

**Re: Debbie Nichols, Berkeley County Emergency Ambulance Authority
Exonerations – Berkeley County Emergency Ambulance Authority**

Debbie Nichols appeared before the Commission to present the four (4) Exonerations for the Berkeley County Emergency Ambulance Authority for the month of June.

Commissioner Petrucci made a motion to approve the Exonerations as presented by Ms. Nichols. Commissioner Stubblefield seconded the motion. The motion carried.

**Re: Charles Hall, III, Berkeley County Emergency Ambulance Authority
Request for Waiver of Fees – BCEEA Facilities Improvements**

Charles Hall, President, Berkeley County Emergency Ambulance Authority appeared before the Commission to request a waiver of fees for the Berkeley County Emergency Ambulance Authority improvements. Mr. Hall stated that the BCEEA purchased a piece of property in South Berkeley County and will provide a presence in South Berkeley County.

Commissioner Stubblefield made a motion to waive any and all fee associated with the construction and improvements for the Berkeley County Emergency Ambulance Authority for the new site in South Berkeley County. Commissioner Petrucci seconded the motion. The motion carried.

**Re: Deborah Hammond, County Administrator
Meeting Report
Dunn Building Project Report and Approvals
Draft Animal Control Agreements – City of Martinsburg and the Town of Hedgesville**

1. Meeting Report

Ms. Hammond stated that she attended a meeting with Community Corrections and Facilities regarding assistance that could be provided for trash pickup, grass mowing and general property maintenance.

Ms. Hammond stated that she attended a Department Head Staff Meeting and provided updates of interest to the Commission:

1. 100 West King Street project is nearing completion

2. The lightning strike damages to 802 Emmet Rousch Drive exceeded \$100,000, market (\$102,000) thus far
3. All but four (4) laptops have been installed in the Sheriff's cruisers
4. CSSI implementation in the County Clerk's Office has been implemented
5. Reprogramming of the radios for the Air Show has been requested and will be completed by the IT Department
6. The COOP Plan Grant funded project has been extended to the month of October in order to complete the necessary components, but at no additional cost
7. Discussion of Hazmat responses to neighboring Jurisdictions which cannot provide Mutual Aid – Agreements will be developed to cover our County's costs when responding

Ms. Hammond attended the Budget Committee Meeting. She stated that the closeout for the Fiscal Year was June 30, 2010. Ms. Hammond stated that the next distribution for the month of June was July 10th. She also stated that all reporting entities will then provide the final picture of the County's finances for the year ending June 30, 2010. Ms. Hammond stated that as always, during the months of July and August, the Commission is asking for essential spending only until the August distribution is received on September 10th and with it the first tax proceeds for the Fiscal Year. Ms. Hammond stated that five pay periods need to be funded along with essential spending until the County's next sizeable tax distribution.

Ms. Hammond stated that she attended the meeting on the Building Commission Financials for one of Trustee Banks.

2. Updates

Ms. Hammond stated that the Commission Office has been busy with LEDA and Governor's Partnership Grants. Ms. Hammond stated that seven (7) Grant Extensions were processed in addition to six (6) Grant Draw Downs and eight (8) Grant Applications being completed and forwarded to the State. Ms. Hammond stated that there was one (1) outstanding 2009 Grant and one (1) outstanding 2010 Grant which have not yet responded yet.

3. Draft Animal Control Agreement – City of Martinsburg and the Town of Hedgesville

Ms. Hammond reviewed the Draft Animal Agreement between Berkeley County and the City of Martinsburg and the Town of Hedgesville. Ms. Hammond stated that the City must adopt any County Ordinances adopted last week and our office will be forwarding a copy of the Ordinance along with the Agreement to both the City of Martinsburg and the Town of Hedgesville.

Commissioner Petrucci made a motion to accept the Draft Animal Control Agreement with the City of Martinsburg and authorized the President to sign the Agreement. Commissioner Stubblefield seconded the motion. The motion carried.

Commissioner Petrucci made a motion to accept the Draft Animal Control Agreement with the Town of Hedgesville and authorized the President to sign the Agreement. Commissioner Stubblefield seconded the motion. The motion carried.

Re: Items from the Public

Thomas Ressler appeared before the Commission to express his concerns with stolen equipment from the Berkeley County Sewer District. Mr. Ressler stated that he recently attended a Berkeley County Sewer District Meeting and was made aware that some equipment had been stolen and wanted to know why the media was not notified so the citizens of Berkeley County could be on the lookout for the stolen equipment. Mr. Ressler stated the equipment should be marked as property of the Sewer District and should possibly have tracking devices installed so it would be easier to locate and identify.

Re: Executive Session

Commissioner Stubblefield made a motion to go into Executive Session to discuss Personnel at 11:38 AM. Commissioner Petrucci seconded the motion. The motion carried.

Commissioner Stubblefield made a motion to go out of Executive Session at 12:05. Commissioner Petrucci seconded the motion. The motion carried.

President Collins stated there were no decisions or motions made during the Executive Session.

Re: Adjourn

Commissioner Petrucci made a motion to adjourn the July 1, 2010 Berkeley County Commission Meeting. Commissioner Stubblefield seconded the motion. The motion carried.

Approved: _____

Ronald K. Collins, President

