

Minutes

Jefferson County Commission

Thursday, June 30, 2016

A meeting of the Jefferson County Commission was held on Thursday, June 30, 2016 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Patricia Noland, Walter Pellish, and Jane Tabb. Also present were Sandy McDonald, Deputy County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, June 30, 2016 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Pellish to approve the June 16, 2016 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve the Purchase Orders in the amount of \$15,685.75 to include purchase order numbers 52483 and 52484. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
076634	PAYROLL	EDITH COOPER		\$ -	\$ 71.08	\$ 71.08
076635	425	FIDELITY POWER SYSTEMS		\$ -	\$ 1,211.11	\$ 1,211.11
076636	425	JEFFERSON COUNTY SOLID		\$ -	\$ 14.22	\$ 14.22

076637	424	MILLER'S SUPPLIES AT WOR		\$ -	\$ 668.00	\$ 668.00
076638	433	OFFICEMAX		\$ -	\$ 140.04	\$ 140.04
076639	425	POTOMAC EDISON/OH		\$ -	\$ 35.70	\$ 35.70
076640	402	RECORD MANAGEMENT SOLUTN		\$ -	\$ 35.00	\$ 35.00
076641	428	SOFTWARE SYSTEMS, INC		\$ -	\$ 1,374.79	\$ 1,374.79
076642	PAYROLL	JOSEPH WINDLE		\$ -	\$ 2,250.00	\$ 2,250.00
TOTAL					\$ 5,799.94	\$ 5,799.94

Motion by Ms. Tabb to approve the Accounts Payable for June 23, 2016 in the amount of \$5,799.94. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
076646	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 5,565.78	\$ 5,565.78
076647	712	AT&T/GA		\$ -	\$ 58.58	\$ 58.58
076648	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 1,443.65	\$ 1,443.65
076649	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
076650	PAYROLL	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
076651	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
076652	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
076653	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 392.31	\$ 392.31
076654	413	CASTO & HARRIS INC	52481	\$ 79,600.88	\$ -	\$ 79,600.88
076655	425	CITY OF CHARLES TOWN		\$ -	\$ 6,600.00	\$ 6,600.00
076656	405	MARCIA LYNN CHANDLER		\$ -	\$ 357.00	\$ 357.00
076657	428	CDW-GOVERNMENT LLC	52821	\$ 26,446.50	\$ -	\$ 26,446.50
076658	PAYROLL	COLONIAL LIFE		\$ -	\$ 578.13	\$ 578.13
076659	433	D & S CONSTRUCTION		\$ -	\$ 1,791.25	\$ 1,791.25
076660	405	FEDEX		\$ -	\$ 36.47	\$ 36.47
076661	405	STEPHEN V GROH		\$ -	\$ 140.40	\$ 140.40
076662	717	GUTTMAN OIL CO		\$ -	\$ 5,790.97	\$ 5,790.97
076663	405	CHARLES B HOWARD		\$ -	\$ 140.40	\$ 140.40
076664	ALLOC	INDEPENDENT FIRE COMPANY		\$ -	\$ 50,000.00	\$ 50,000.00
076665	403	JEFFERSON CENTER		\$ -	\$ 100.00	\$ 100.00
076666	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 2,137.68	\$ 2,137.68
076667	401	THE SPIRIT OF JEFFERSON		\$ -	\$ 45.22	\$ 45.22
076668	ALLOC	JEFFERSON DAY REPORT CNT		\$ -	\$ 25,000.00	\$ 25,000.00
076668	GRANT	JEFFERSON DAY REPORT CNT		\$ -	\$ 1,472.60	\$ 1,472.60
076669	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
076670	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,460.00	\$ 5,460.00
076671	711	J.H. CONSULTING LLC	52436	\$ 8,500.00	\$ -	\$ 8,500.00
076672	717	J & K PRECISION AUTO CAR		\$ -	\$ 59.95	\$ 59.95

076673	405	RALPH A LORENZETTI JR		\$ -	\$ 140.40	\$ 140.40
076674	712	LANGUAGE LINE SERVICES		\$ -	\$ 120.02	\$ 120.02
076675	PAYROLL	DENISE LAMBIOTTE		\$ -	\$ 160.53	\$ 160.53
076676	405	LYNDSEY W. MATSCHAT		\$ -	\$ 211.14	\$ 211.14
076677	403	MATTHEW BENDER & CO		\$ -	\$ 970.36	\$ 970.36
076677	406	MATTHEW BENDER & CO		\$ -	\$ 172.16	\$ 172.16
076678	405	GAIL MCMILLION		\$ -	\$ 140.40	\$ 140.40
076679	412	SHAY MCNEIL		\$ -	\$ 206.64	\$ 206.64
076680	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
076681	405	MILLER'S SUPPLIES AT WOR		\$ -	\$ 173.29	\$ 173.29
076681	425	MILLER'S SUPPLIES AT WOR		\$ -	\$ 2,791.29	\$ 2,791.29
076682	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
076683	428	OFFICEMAX		\$ -	\$ 1,894.88	\$ 1,894.88
076684	ALLOC	JEFF CO PARKS &		\$ -	\$ 32,509.86	\$ 32,509.86
076685	402	PIFER OFFICE SUPPLY, INC		\$ -	\$ 39.60	\$ 39.60
076686	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
076686	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
076686	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
076686	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
076686	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
076686	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
076686	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
076686	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
076686	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
076686	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
076687	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.06	\$ 1.06
076687	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 44,508.94	\$ 44,508.94
076687	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,409.26	\$ 10,409.26
076687	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 4.54	\$ 4.54
076687	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 42,445.29	\$ 42,445.29
076687	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 3.15	\$ 3.15
076688	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.68	\$ 1.68
076688	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 46,391.55	\$ 46,391.55
076688	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 638.83	\$ 638.83
076688	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,397.20	\$ 1,397.20
076689	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 21,925.51	\$ 21,925.51
076689	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 15,530.50	\$ 15,530.50
076690	PAYROLL	WILLIAM SCHWEITZER		\$ -	\$ 211.81	\$ 211.81
076691	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,985.00	\$ 2,985.00
076692	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 36,091.19	\$ 36,091.19

076693	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 105,939.87	\$ 105,939.87
076693	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 1.65	\$ 1.65
076693	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 4.94	\$ 4.94
076693	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 35,313.28	\$ 35,313.28
076694	415	WV STATE AUDITOR**		\$ -	\$ 22,100.00	\$ 22,100.00
076695	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 7,587.75	\$ 7,587.75
076695	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 3,372.29	\$ 3,372.29
076696	405	DEBRA A. YOUNG		\$ -	\$ 140.40	\$ 140.40
076697	405	NEIL ZAHRADNIK		\$ -	\$ 140.40	\$ 140.40
TOTAL						\$ 663,354.58
TOTAL				\$ 114,547.38	\$ 548,807.20	\$ 663,354.58

Motion by Ms. Noland to approve the Accounts Payable for June 30, 2016 in the amount of \$663,354.58. Motion seconded and unanimously approved.

PUBLIC COMMENT:

David Tabb, resident – made comments about his efforts to help the victims of severe flooding in southern West Virginia. Mr. Tabb also stated he believed the selection of Commissioner Bell’s replacement should be voted on by the taxpayers.

Eleanor Finn, resident and member of the League of Women Voters – requested the Commission try to keep the proceedings regarding the selection of a replacement Commissioner for Mr. Bell’s position be kept public and out of Executive Session.

Joy Lewis, resident and representative for Governor Tomblin’s Office – thanked the Commission on behalf of the governor for Jefferson County’s involvement in flood relief efforts.

PRESENTATIONS

1. Nathan Cochran, Assistant Prosecuting Attorney
 - a. County Commission Appointment Procedures/Requirements – Mr. Cochran stated the Commission had thirty days from the date of the acceptance of Mr. Bell’s resignation to appoint a replacement Commissioner. Mr. Cochran also stated the replacement must be a registered Republican and resident of Jefferson County; however, applicants are not required to live within the Harpers Ferry magisterial district to be considered.

- **Motion by Mr. Manuel to open the application process for the appointment of Commissioner for ten days, ending at the close of business on July 11, 2016. Recruitment announcement will state the interested applicant must be a registered Republican and resident of Jefferson County and interviews will be conducted in a public setting, with the appointment to occur no later than thirty days from the date of Mr. Bell’s resignation. Motion seconded and unanimously approved.**

b. Personnel Matter – Issues regarding the resignation and/or appointment of County Commission

- **Motion by Mr. Pellish to enter into Executive Session to discuss a personnel matter. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to accept Eric Bell’s resignation from the Jefferson County Commission, effective immediately. Motion seconded and unanimously approved.**

2. Angie Banks, Assessor

a. Request to remove non-existing parcels from the land books.

- **Motion by Mr. Manuel to approve the removal of RC TDDA/800.39; RC TDNL/5; RCTDD/0800; HFD TDDA/800.31; and HFC TDNL/4 from the land books. Motion seconded and unanimously approved.**

b. Exonerations

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Jonathan D’Autrechy	PP	CTD	20000-1578	\$117.56

- **Motion by Ms. Tabb to approve the exoneration for ticket #20000-1578 as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Jonathan D'Autrechy	PP	CTD	315022	\$108.36

- **Motion by Ms. Tabb to approve the exoneration for ticket #315022 as presented by the Assessor. Motion seconded and unanimously approved.**

3. Pete Dougherty, Sheriff

a. Auction Review

b. Discussion of Inter-Government Agreement between Commission, Sheriff's Office, and the Corporation of Bolivar.

c. Approval of Vehicle Transfer

- **Motion by Mr. Manuel to approve the donation of a 1995 Jeep from the Jefferson County Sheriff's Office to the Blue Ridge Fire Department. Motion seconded and unanimously approved**

4. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.

5. Gail Magaha, Chief Deputy, County Clerk's Office – request for approval of depository bonds for FY2016-2017.

- **Motion by Ms. Tabb to approve the depository bonds for FY2016-2017 for Jefferson Security Bank, BB&T, United Bank, and Bank of Charles Town. Motion seconded and unanimously approved.**

6. Interviews and Appointments to the Harpers Ferry/Bolivar Public Service District – one 6-year term ending June 30, 2022.

- **Motion by Mr. Manuel to appoint Mike Lowery to the Harpers Ferry/Bolivar Public Service District for one six-year term ending June 30, 2016. Motion seconded and unanimously approved.**

Interviews and Appointments to the South Jefferson Library Committee – one five-year term ending June 30, 2021.

- **Motion by Ms. Noland to appoint Curt Mason to the South Jefferson Library Commission for one five-year term ending June 30, 2021. Motion seconded and unanimously approved.**

Interviews and Appointments to the Jefferson County Parks and Recreation Commission – four 3-year terms ending June 30, 2019.

- **Motion by Ms. Noland to reappoint Heather Morgan, Jimmy Pierson, and Gene Taylor and appoint Elaine Pasternak to the Jefferson County Parks and Recreation Commission each for a three year term ending June 30, 2019. Motion seconded and unanimously approved.**

Interviews and Appointments to the Jefferson County Emergency Services Agency

- It was the consensus of the Commission to invite Dr. Jason Turner, Citizen Representative applicant, to the next regularly scheduled County Commission meeting for an interview regarding his interest in serving as a member of the Jefferson County Emergency Services Agency Board.
- **Motion by Ms. Noland to appoint Aaron Watson as the Fire Representative on the JCESA Board for a 3 year term ending June 30, 2019. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to appoint Andrew Arnold as the EMS Representative on the JCESA Board for a 3 year term ending June 30, 2019. Motion seconded and unanimously approved.**

NEW BUSINESS

7. Memorandum of Understanding between the Department of Homeland Security Federal Management Agency Mount Weather Emergency Operations Center Emergency Services Division and Rescue and Jefferson County
 - **Motion by Mr. Manuel to postpone action on this item until counsel had the opportunity to fully review the memorandum of understanding. Motion seconded and unanimously approved.**
8. Decision on amendments to the Hotel Occupancy Tax Ordinance
 - **Motion by Ms. Tabb to approve the amendments to the Hotel Occupancy Tax Ordinance as presented. Motion seconded and unanimously approved.**
9. Approval of DHS Grant for \$3,400 for Emergency Preparedness Educational materials.

- **Motion by Ms. Tabb to approve the DHS Grant in the amount of \$3,400 for Emergency Preparedness Educational materials and authorize the President of the Commission to affix her signature on the appropriate documents. Motion seconded and unanimously approved.**
10. The Commission recessed for lunch at 12:00 pm.
The Commission reconvened at 1:30 pm.
11. Kathy Santa Barbara, Attorney – provided the Commission with an update on the Briel Building Foreclosure.
- **Motion by Mr. Manuel to enter into Executive Session to discuss property negotiations. Motion seconded and unanimously approved.**
12. Roger Goodwin, Chief County Engineer
- a. Smith Mountain View Estates – JCPC File #02-06 – Lot Corners Certification – Surveyor’s Invoice Payment
- **Motion by Mr. Manuel to pay invoice No. 927, dated June 15, 2016, from Edward L. Johnson, Jr., Professional Surveyor, in the amount of \$2,000.00 from the bond escrow account for Smith Mountain View Estates Subdivision. Motion seconded and unanimously approved.**
- b. Vasuvat Subdivision (JCPC File No. 08-01) – Contractor’s Site Work Proposal
- **Motion by Ms. Tabb to accept the proposal of Kable Excavating, LLC. in the amount of \$4,990.00, as presented and approve allowing staff to proceed with completing the site work; and authorize the invoicing of charges for staff’s time against the Vasuvat Subdivision project and the acceptance of partial reimbursement and then close the bank escrow. Motion seconded and unanimously approved.**
- c. Adoption of the 2016 Building Code Enforcement Ordinance
- **Motion by Ms. Noland to adopt the Resolution and the Building Code Enforcement Ordinance as presented to be effected August 1, 2016. Motion seconded and unanimously approved.**
13. Debra Lee Hovatter, Esq. – Spilman, Thomas & Battle, PLLC, on behalf of Primax Properties, LLC. – request for certificate of occupancy on or before July 18, 2016 in order for Advanced Auto Parts to complete “fixturing” and make the planned opening date of August 11, 2016.

- It was the consensus of the Commission to allow the Department of Engineering to issue a temporary use and occupancy certificate to Primax Properties, LLC. until ownership of land in question has been established.

14. Nathan Cochran, Assistant Prosecuting Attorney

a. Memorandum of Understanding with APUS

- It was the consensus of the Commission to delay action on this item until the next regularly scheduled County Commission meeting.

b. Memorandum of Understanding with the Jefferson County Board of Education re: 1863 commemorative rock.

- It was the consensus of the Commission to delay action on this item until the next regularly scheduled County Commission meeting.

c. Comcast Cable Franchise Agreement

- **Motion by Mr. Pellish to enter into Executive Session to discuss contract negotiations. Motion seconded and unanimously approved.**

d. Vision Internet Website Contract Renewal

- It was the consensus of the Commission to delay action on this item until the next regularly scheduled County Commission meeting.

COUNTY ADMINISTRATOR REPORTS

Meet Your Commissioners – Ms. McDonald informed the Commission the Harpers Ferry train station was unavailable for the July 21, 2016 Meet Your Commissioners event. Ms. McDonald stated she would contact the Harpers Ferry Friendship Fire Department and the Bolivar Community Center to see if either would be available for use on the 21st.

Upcoming Agenda Appointments – Ms. McDonald stated Jennie Brockman, Director of Planning and Zoning, would be on the July 21, 2016 agenda for another campground ordinance work session and a presentation regarding the LESA conditional use permits.

COUNTY COMMISSION REPORTS

Patricia Noland

- Enjoyed vacation in Denver, Colorado.

Walt Pellish

- Attended a Development Authority meeting.

Jane Tabb

- Participated in Farm Day on June 18.
- Attended a Farmland Easement tour.
- Attended an Extension Service Committee meeting.
- Attended the grand opening of Dura Trac at the Burr Industrial Park.
- Reported that Barbara Miller, Director of Jefferson County Homeland Security and Emergency Management, was deployed to Greenbrier County, WV for two weeks to assist with flood recovery efforts.

Dale Manuel

- Attended WV Fest in downtown Charles Town.
- Attend the Juneteenth event for the NAACP at Evitt's Run Park.
- Participated in the Day of Service at the Day Report Center.
- Attended the Eastern Panhandle Care Clinic Community Appreciation Open House.
- Attended the Shepherdstown Street Fest.
- Provided donations to the flood relief drop-off location at the Sheriff's Office.
- Attended the Maryland Science Center's program, "What's the Matter," sponsored by the Shepherdstown Library.

15. The Commission meeting was adjourned at 2:50 pm on a motion by Mr. Manuel. Motion was seconded and unanimously approved.

PATRICIA A. NOLAND,
PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant