

Minutes

Jefferson County Commission

Thursday, April 6, 2017

A meeting of the Jefferson County Commission was held on Thursday, April 6, 2017 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 Josh Compton, Caleb Hudson, Patricia Noland, Peter Onoszko and Jane Tabb. Also present were Stephanie Grove, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, March 16, 2017 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the March 23, 2017 Special Session Minutes as presented. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the March 30, 2017 Regular Meeting Minutes with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve the Purchase Orders for April 6, 2017 to include Purchase Order No. 52663 in the amount of \$9,000.00. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
078117	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 912.88	\$ 912.88

078118	ALLOC	BOLIVAR/HARPERS FERRY		\$ -	\$ 20,625.00	\$ 20,625.00
078119	PAYROLL	BOOTH AND MCCARTHY		\$ -	\$ 231.00	\$ 231.00
078120	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
078121	PAYROLL	BUREAU F/CHILD SPVRT ENF		\$ -	\$ 212.31	\$ 212.31
078122	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
078123	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
078124	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
078124	ALLOC	OLD CHARLES TOWN LIBRARY		\$ -	\$ 20,625.00	\$ 20,625.00
078125	PAYROLL	DELTA DENTAL OF WV		\$ -	\$ 6,197.62	\$ 6,197.62
078126	ALLOC	EASTERN PANHANDLE TRANSI		\$ -	\$ 5,000.00	\$ 5,000.00
078127	PAYROLL	ROGER GOODWIN		\$ -	\$ 205.66	\$ 205.66
078128	717	GUTTMAN OIL CO		\$ -	\$ 2,791.27	\$ 2,791.27
078128	717	GUTTMAN OIL CO		\$ -	\$ 2,371.19	\$ 2,371.19
078128	717	GUTTMAN OIL CO		\$ -	\$ 3,072.11	\$ 3,072.11
078129	425	G & TRIPLE T. LLC		\$ -	\$ 45.00	\$ 45.00
078129	425	G & TRIPLE T. LLC		\$ -	\$ 450.00	\$ 450.00
078130	405	TRACY P. HERRON-RICE CCR		\$ -	\$ 983.75	\$ 983.75
078131	PAYROLL	THE HARTFORD		\$ -	\$ 4,153.68	\$ 4,153.68
078131	PAYROLL	THE HARTFORD		\$ -	\$ 2,292.35	\$ 2,292.35
078132	401	RICOH USA, INC		\$ -	\$ 29.06	\$ 29.06
078132	403	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
078132	404	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
078132	405	RICOH USA, INC		\$ -	\$ 87.21	\$ 87.21
078132	406	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
078132	425	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
078132	440	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
078132	440	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
078132	700	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
078132	712	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
078133	717	INTERSTATE ALL BATTERY		\$ -	\$ 453.90	\$ 453.90
078134	ALLOC	JEFF CO DEVELOPMENT AUTH		\$ -	\$ 27,582.00	\$ 27,582.00
078135	ALLOC	JEFFERSON CO EMERGENCY		\$ -	\$ 369,668.50	\$ 369,668.50
078136	403	JEFFERSON CENTER		\$ -	\$ 100.00	\$ 100.00
078137	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 1,351.75	\$ 1,351.75
078138	401	THE SPIRIT OF JEFFERSON		\$ -	\$ 22.22	\$ 22.22
078138	401	THE SPIRIT OF JEFFERSON		\$ -	\$ 25.90	\$ 25.90
078138	402	THE SPIRIT OF JEFFERSON		\$ -	\$ 150.18	\$ 150.18
078139	ALLOC	JEFFERSON DAY REPORT CNT		\$ -	\$ 25,000.00	\$ 25,000.00
078139	GRANT	JEFFERSON DAY REPORT CNT		\$ -	\$ 776.10	\$ 776.10
078140	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,620.00	\$ 5,620.00

078141	425	KONE INC.		\$ -	\$ 344.77	\$ 344.77
078142	PAYROLL	LYNDESEY W. MATSCHAT		\$ -	\$ 185.06	\$ 185.06
078143	PAYROLL	HIGHMARK WV		\$ -	\$ 167,439.94	\$ 167,439.94
078144	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 415.00	\$ 415.00
078145	PAYROLL	MILLENIUM INSURANCE GROU		\$ -	\$ 750.00	\$ 750.00
078146	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
078147	PAYROLL	NATIONAL VISION ADMIN.		\$ -	\$ 1,731.38	\$ 1,731.38
078148	ALLOC	JEFF CO PARKS &		\$ -	\$ 60,945.00	\$ 60,945.00
078149	ALLOC	JEFF CO PARKS &		\$ -	\$ 20,557.38	\$ 20,557.38
078150	717	RICE TIRES CO		\$ -	\$ 413.12	\$ 413.12
078150	717	RICE TIRES CO		\$ -	\$ 479.92	\$ 479.92
078151	PAYROLL	RANDALL RODRIGUEZ		\$ -	\$ 321.49	\$ 321.49
078152	ALLOC	SHEPHERDSTOWN PUB LIBRAR		\$ -	\$ 20,625.00	\$ 20,625.00
078153	ALLOC	SOUTH JEFFERSON PUBLIC		\$ -	\$ 20,625.00	\$ 20,625.00
078154	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 44,097.30	\$ 44,097.30
078154	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,313.00	\$ 10,313.00
078154	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 40,926.69	\$ 40,926.69
078155	425	SHERWIN-WILLIAMS		\$ -	\$ 40.73	\$ 40.73
078155	425	SHERWIN-WILLIAMS		\$ -	\$ 25.98	\$ 25.98
078156	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 229.50	\$ 229.50
078157	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 315.00	\$ 315.00
078157	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 3,035.00	\$ 3,035.00
078158	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 22,822.01	\$ 22,822.01
078159	ALLOC	WVU		\$ -	\$ 3,700.00	\$ 3,700.00
078160	402	XEROX CORPORATION		\$ -	\$ 375.53	\$ 375.53
078160	402	XEROX CORPORATION		\$ -	\$ 505.01	\$ 505.01
078160	402	XEROX CORPORATION		\$ -	\$ 334.43	\$ 334.43
078160	440	XEROX CORPORATION		\$ -	\$ 536.43	\$ 536.43
078161	PAYROLL	DEBRA A. YOUNG		\$ -	\$ 416.48	\$ 416.48
TOTAL					\$ 926,712.42	\$ 926,712.42

Motion by Ms. Noland to approve the Accounts Payable for April 6, 2017 in the amount of \$926,712.42 Motion seconded and unanimously approved.

MANUAL CHECKS

HOME DETETION			
008			

Date	Check #	VENDOR	Amount
4/7/2017	562	3M ELECTRONIC MONITORING	\$ 3,145.00
4/7/2017	563	CDA	\$ 511.50
ASSESSOR VALUATION			
O56			
Date	Check #	VENDOR	Amount
4/7/2017	617	AWVA	\$ 700.00
4/7/2017	618	UNITED BANK	\$ 297.48
SHERIFF CAPITOL/O			
246			
Date	Check #	VENDOR	Amount
4/7/2017	1583	HOPEWILL SHEET METAL	\$ 2,704.00
4/7/2017	1584	SHERWIN WILLIAMS	\$ 21.98
IMPACT FEES			
249			
Date	Check #	VENDOR	Amount
4/7/2017	1084	SHERIFF JEFFERSON CO -SCHOOL	\$ 148,247.29
4/7/2017	1085	SHERIFF JEFFERSON CO - LAW	\$ 2,899.05
4/7/2017	1086	SHERIFF JEFFERSON CO - PARKS	\$ 11,391.68
4/7/2017	1087	SHERIFF JEFFERSON CO - FIRE/EMS	\$ 1,248.53
TOTAL			\$ 171,166.51

Motion by Ms. Tabb to approve the Manual Checks for April 7, 2017 in the amount of \$171,166.51. Motion seconded and unanimously approved.

PUBLIC COMMENT:

David Tabb, resident – provided updates to the Commission regarding his various lawsuits and thanked them for coming to a resolution regarding the deceased body issue.

PRESENTATIONS

1. Angela Banks, Assessor – requested the approval of the following Exoneration and Split Ticket:

Name	Type	District	Ticket No.	Amount
James Dixon	PP	KD	309512	\$128.85

- **Motion by Ms. Tabb to approve the Exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

Name	Type	District	Ticket No.	Amount
Robin Armstrong	PP	HF	306671	\$46.86
David Armstrong				\$23.42

- **Motion by Ms. Noland to approve Split Ticket No. 306671 as presented by the Assessor. Motion seconded and unanimously approved.**

2. Matthew Harvey, Prosecuting Attorney – requested the approval of a new hire for assistant in the Civil Division.

- **Motion by Ms. Tabb to approve the hire of Charlotte Ainsworth for the legal assistant position within the Prosecuting Attorney’s Civil Division, to begin**

work on Monday, April 24, 2017. Motion seconded and unanimously approved.

3. Cecelia Nichols, Alzheimer's Association, WV Chapter – provided the Commission and audience with a presentation on the Alzheimer's Organization and requested the Commission approve a Resolution recognizing June, 2017 as Alzheimer's and Brain Awareness Month.
 - **Motion by Ms. Tabb to approve the Resolution declaring June, 2017 as Alzheimer's and Brain Awareness Month. Motion seconded and unanimously approved.**
4. Interviews and Appointments to the Jefferson County Planning Commission – three three-year terms ending March 31, 2020.
 - Donnie Fisher was nominated by Commissioner Onoszko.
 - Ronnie Thomas was nominated by Commissioner Noland.
 - Raymond Bruning was nominated by Commissioner Onoszko.
 - **Motion by Ms. Noland to reappoint Donnie Fisher and appoint Ronnie Thomas and Raymond Bruning to the Jefferson County Planning Commission each for a three-year term ending March 31, 2020. Motion seconded and unanimously approved.**
5. Tammy Biser, WV Division of Highways – submitted a request to acquire property owned by the Jefferson County Commission.
 - **Motion by Ms. Tabb to approve the WV DOH offer of \$4,000.00 to acquire 5098 square feet for a non-controlled access right of way in order to replace the existing bridge on Rt. 27. Motion seconded and unanimously approved.**
 - **Due to information provided by FEMA after the conclusion of the April 6, 2017 County Commission meeting, the Commission voted unanimously during the May 18, 2017 County Commission meeting to rescind the decision to sell the above property.**
6. The Commission reconvened at 11:00 am.
7. John Reisenweber, Director, Jefferson County Development Authority – requested a discussion on Project Shuttle.
 - **Motion by Ms. Noland enter into Executive Session. 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 direct Mr. Reisenweber to proceed as discussed during Executive Session. Motion seconded and unanimously approved.**
8. Interviews and Appointments to the Jefferson County Historic Landmarks Commission – one three-year term ending March 6, 2020.
- **Motion by Ms. Noland to reappoint Sara Lambert to the Jefferson County Historic Landmarks Commission for one three-year term ending March 6, 2020. Motion seconded and unanimously approved.**
9. **Roger Goodwin, Chief County Engineer – Pleasant Hill Subdivision (JCPC File No. 05-28) – Contractor’s Site Work Proposal**
- **Motion by Ms. Tabb to accept the proposal of Kable Excavating, LLC. in the amount of \$10,150.00, 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 Pleasant Hill Subdivision (JCPC File No. 05-28) project and the acceptance of partial reimbursement and then close the bank escrow account. Motion seconded and unanimously approved.**
10. Peter Dougherty, Sheriff – Presentation of Donation to Animal Control
- The West Virginia Thoroughbred Breeder’s Association presented the Sheriff’s Animal Control Department with a donation of \$2,300.00
11. The Commission recessed for lunch at 12:00 pm.
The Commission reconvened at 1:30 pm.

NEW BUSINESS

12. Legislative Issues – the Commission discussed various House and Senate bills that could potentially impact the County.
13. Request staff to create opportunities for citizen donations to the ambulance fee on the billing invoice and online payment portal.

- It was the consensus of the Commission to authorize staff to research the possibility of collecting citizen donations to the ambulance fee.

14. Recommendation from the Sheriff that the pledged securities with BB&T be increased to \$800,000.

- **Motion by Ms. Noland to approve the increase in the pledged securities amount with BB&T to \$800,000 as recommended by the Sheriff. Motion seconded and unanimously approved.**

15. Decision on the proposed Policy on Vested Property Rights including the following language:

- The validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2017 until July 1, 2020. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same period.

- The requirements for the vesting of property rights contained in an ordinance enacted pursuant to WV Code §8A-4-2 that required the performance of any action within a certain time period for any subdivision for land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2017 until July 1, 2020. This provision would apply to all special and conditional use permits or any other agreement or zoning action.

- Any plat affected by this extension shall conform to the Stormwater Requirements of the most current regulations in effect at the time when the plat or plan is submitted for approval.

- **Motion by Ms. Tabb to approve the Resolution related to vested property rights in Jefferson County. Motion seconded and unanimously approved.**

FINANCIAL DIRECTOR REPORTS

- Review of Budget to Actual as of 02/28/2017

COUNTY ADMINISTRATOR REPORTS

- Approval of Revised Meeting Session Policy and accompanying Resolution
 - **Motion by Ms. Noland to approve the revised Meeting Session Policy as presented. Motion seconded and unanimously approved.**
- Approval of revised Agenda Policy

- **Motion by Ms. Tabb to approve the revised Agenda Policy as presented. Motion seconded and unanimously approved.**

16. Public Hearing – Zoning Map Amendment for property designated as Tax District Middleway, Map 19A, Parcels 13, 14, and 14.1 – Jefferson Reality, LLC.

- **Motion by Ms. Noland to approve the zoning map amendment for property designated as Tax District Middleway, Map 19A, Parcels 13, 14, and 14.1 for Jefferson Reality, LLC. from Rural to General Commercial. Motion seconded and unanimously approved.**

17. Peggy Smith, Mayor, City of Charles Town – Application of the City of Charles Town for Annexations by Urban Growth Boundary Adjustment

- **Motion by Ms. Tabb to enter into Executive Session to receive legal counsel. Motion seconded and unanimously approved.**
- **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Mr. Onoszko to consider the application of the City of Charles Town for annexations by Urban Growth Boundary Adjustment. Motion seconded.**
- **Motion by Mr. Onoszko to amend his initial motion and deny Charles Town’s application for annexations by Urban Growth Boundary Adjustment as it does not meet the threshold requirements under W.Va. Code § 8-6-5. Motion seconded and unanimously approved.**

18. Nathan Cochran, Assistant Prosecuting Attorney

- Renewal of police agreement between Bolivar and the Jefferson County Sheriff’s Department
 - **Motion by Ms. Noland to approve the Intergovernmental agreement for Public Safety Services between Bolivar and the Jefferson County Sheriff’s Department. Motion seconded and unanimously approved.**
- Discussion of insurance and other legal issues concerning deceased persons – Mr. Cochran stated he was currently working on drafts of memoranda of understanding between the County Commission, the Emergency Services Agency, and Blue Ridge Mountain Volunteer Fire Department regarding use and ownership of the transport van.

- Legal discussion of new lawsuit 17-C-63 – Possible Executive Session
 - **Motion by Ms. Tabb to enter into Executive Session to receive legal counsel. Motion seconded and unanimously approved.**
 - **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Motion by Mr. Onoszko to hire Will Rohrbaugh, Esq., as the attorney to represent the Jefferson County Commission and various parties in lawsuit 17-C-63. Motion seconded and unanimously approved.**
- Continued discussion regarding a dissolution of PSD & assets – Possible Executive Session
 - **Motion by Mr. Onoszko to adopt Order in re: Dissolution of the Jefferson County Public Service District. Motion seconded and passes on a vote of 3-2 with Commissioners Noland and Tabb opposing.**
- Inform Commission of lawsuit against Planning Department – 17-C-53 – Possible Executive Session.

19. There being no further business, motion Ms. Noland to adjourn at 3:37 pm. Motion was seconded and unanimously approved.

PETER ONOSZKO, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant