

Minutes

Jefferson County Commission

Thursday, July 6, 2017

A meeting of the Jefferson County Commission was held on Thursday, July 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, July 6, 2017 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the May 4, 2017 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Onoszko to ratify the vote taken June 29, 2017 to approve June 29, 2017 Purchase Order No. 52490 in the amount of \$6,080.00. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Ms. Tabb to approve the payroll for June 29, 2017 in the amount of \$250,790.35. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

| CHCKNO | DEPT | VENDOR | PONUM | POAMT | NOAMT | CHECK AMOUNT |
|--------|---------|---------------------------|-------|-------------|---------------|---------------|
| 078598 | 712 | AT&T/GA | | \$ - | \$ 119.42 | \$ 119.42 |
| 078599 | 700 | APTEAN SOFTWARE LLC | | \$ - | \$ 595.00 | \$ 595.00 |
| 078600 | ALLOC | BOLIVAR/HARPERS FERRY | | \$ - | \$ 20,625.00 | \$ 20,625.00 |
| 078601 | 425 | OLD CHARLES TOWN LIBRARY | | \$ - | \$ 1,500.00 | \$ 1,500.00 |
| 078601 | ALLOC | OLD CHARLES TOWN LIBRARY | | \$ - | \$ 20,625.00 | \$ 20,625.00 |
| 078602 | PAYROLL | JESSICA CARROLL | | \$ - | \$ 2,250.00 | \$ 2,250.00 |
| 078603 | 440 | DODSON'S SEPTIC | 52808 | \$ 3,000.00 | \$ - | \$ 3,000.00 |
| 078603 | 440 | DODSON'S SEPTIC | 52808 | \$ 6,750.00 | \$ - | \$ 6,750.00 |
| 078604 | PAYROLL | DELTA DENTAL OF WV | | \$ - | \$ 6,477.57 | \$ 6,477.57 |
| 078605 | ALLOC | EASTERN PANHANDLE TRANSI | | \$ - | \$ 5,000.00 | \$ 5,000.00 |
| 078606 | 405 | STEPHEN V GROH | | \$ - | \$ 532.13 | \$ 532.13 |
| 078607 | 412 | GREATAMERICA FINANCL SVC | | \$ - | \$ 315.64 | \$ 315.64 |
| 078608 | 405 | TRACY P. HERRON-RICE CCR | | \$ - | \$ 242.50 | \$ 242.50 |
| 078609 | PAYROLL | THE HARTFORD | | \$ - | \$ 4,046.94 | \$ 4,046.94 |
| 078609 | PAYROLL | THE HARTFORD | | \$ - | \$ 2,330.45 | \$ 2,330.45 |
| 078610 | ALLOC | JEFF CO DEVELOPMENT AUTH | | \$ - | \$ 26,500.00 | \$ 26,500.00 |
| 078611 | ALLOC | JEFFERSON CO EMERGENCY | | \$ - | \$ 488,558.50 | \$ 488,558.50 |
| 078612 | 402 | SPIRIT OF JEFFERSON | | \$ - | \$ 160.02 | \$ 160.02 |
| 078613 | 424 | THE JOURNAL | | \$ - | \$ 83.76 | \$ 83.76 |
| 078614 | 700 | JEFFERSON URGENT CARE LL | | \$ - | \$ 300.00 | \$ 300.00 |
| 078615 | ALLOC | JEFFERSON DAY REPORT CNT | | \$ - | \$ 37,502.50 | \$ 37,502.50 |
| 078615 | GRANT | JEFFERSON DAY REPORT CNT | | \$ - | \$ 11,058.20 | \$ 11,058.20 |
| 078616 | 403 | MATTHEW BENDER & CO | | \$ - | \$ 1,005.36 | \$ 1,005.36 |
| 078617 | 700 | MPH INDUSTRIES INC | | \$ - | \$ 256.95 | \$ 256.95 |
| 078618 | PAYROLL | MAZZITTI & SULLIVAN EAP | | \$ - | \$ 936.00 | \$ 936.00 |
| 078619 | PAYROLL | HIGHMARK WV | | \$ - | \$ 180,092.69 | \$ 180,092.69 |
| 078620 | 405 | MAXIM REPORTING LLC | | \$ - | \$ 696.10 | \$ 696.10 |
| 078620 | 405 | MAXIM REPORTING LLC | | \$ - | \$ 696.65 | \$ 696.65 |
| 078621 | 717 | MILLER'S CHRYSLER JEEP | 52664 | \$ 5,270.17 | \$ - | \$ 5,270.17 |
| 078621 | 717 | MILLER'S CHRYSLER JEEP | 52664 | \$ 25.62 | \$ - | \$ 25.62 |
| 078622 | 700 | ROBIN MAHONY | | \$ - | \$ 47.70 | \$ 47.70 |
| 078623 | PAYROLL | MILLENIUUM INSURANCE GROU | | \$ - | \$ 750.00 | \$ 750.00 |
| 078624 | 405 | MILLER'S SUPPLIES AT WOR | | \$ - | \$ 151.24 | \$ 151.24 |
| 078625 | 405 | ELIZABETH MOONEY | | \$ - | \$ 32.62 | \$ 32.62 |
| 078626 | PAYROLL | NATIONAL VISION ADMIN. | | \$ - | \$ 1,793.42 | \$ 1,793.42 |
| 078627 | 428 | OFFICE DEPOT | | \$ - | \$ 73.19 | \$ 73.19 |
| 078627 | 428 | OFFICE DEPOT | | \$ - | \$ 83.56 | \$ 83.56 |

| | | | | | | |
|--------------|---------|--------------------------|--|---------------------|------------------------|------------------------|
| 078627 | 428 | OFFICE DEPOT | | \$ - | \$ 107.58 | \$ 107.58 |
| 078627 | 428 | OFFICE DEPOT | | \$ - | \$ 434.65 | \$ 434.65 |
| 078627 | 428 | OFFICE DEPOT | | \$ - | \$ 300.11 | \$ 300.11 |
| 078628 | ALLOC | JEFF CO PARKS & | | \$ - | \$ 60,945.00 | \$ 60,945.00 |
| 078629 | PAYROLL | BRYAN PERKINS | | \$ - | \$ 1,364.27 | \$ 1,364.27 |
| 078630 | 425 | RCS SECURITY | | \$ - | \$ 250.00 | \$ 250.00 |
| 078631 | 403 | RECORD MANAGEMENT SOLUTN | | \$ - | \$ 30.00 | \$ 30.00 |
| 078632 | ALLOC | SHEPHERDSTOWN PUB LIBRAR | | \$ - | \$ 20,625.00 | \$ 20,625.00 |
| 078633 | 405 | SPECIALTY BUS SUPPLIES | | \$ - | \$ 29.95 | \$ 29.95 |
| 078633 | 405 | SPECIALTY BUS SUPPLIES | | \$ - | \$ 59.98 | \$ 59.98 |
| 078634 | ALLOC | SOUTH JEFFERSON PUBLIC | | \$ - | \$ 20,625.00 | \$ 20,625.00 |
| 078635 | 401 | US POSTAL SERVICE | | \$ - | \$ 20,000.00 | \$ 20,000.00 |
| 078636 | 401 | WV ASSOCIATION/COUNTIES | | \$ - | \$ 6,500.00 | \$ 6,500.00 |
| 078637 | ALLOC | WVU | | \$ - | \$ 3,700.00 | \$ 3,700.00 |
| 078638 | 711 | WV EMER MANAGMENT COUNCI | | \$ - | \$ 125.00 | \$ 125.00 |
| 078639 | 425 | STATE FIRE MARSHAL'S OFF | | \$ - | \$ 75.00 | \$ 75.00 |
| 078640 | PAYROLL | WV COUNTIES GROUP | | \$ - | \$ 156,811.50 | \$ 156,811.50 |
| | | | | | | |
| 078641 | PAYROLL | WVCORP | | \$ - | \$ 38,358.00 | \$ 38,358.00 |
| 078642 | 700 | WV STATE POLICE | | \$ - | \$ 111.00 | \$ 111.00 |
| 078643 | 401 | XEROX CORPORATION | | \$ - | \$ 186.32 | \$ 186.32 |
| 078643 | 402 | XEROX CORPORATION | | \$ - | \$ 106.53 | \$ 106.53 |
| 078643 | 402 | XEROX CORPORATION | | \$ - | \$ 402.04 | \$ 402.04 |
| 078643 | 402 | XEROX CORPORATION | | \$ - | \$ 419.66 | \$ 419.66 |
| 078643 | 402 | XEROX CORPORATION | | \$ - | \$ 311.46 | \$ 311.46 |
| 078643 | 403 | XEROX CORPORATION | | \$ - | \$ 227.22 | \$ 227.22 |
| 078643 | 404 | XEROX CORPORATION | | \$ - | \$ 71.10 | \$ 71.10 |
| 078643 | 405 | XEROX CORPORATION | | \$ - | \$ 260.14 | \$ 260.14 |
| 078643 | 406 | XEROX CORPORATION | | \$ - | \$ 71.10 | \$ 71.10 |
| 078643 | 425 | XEROX CORPORATION | | \$ - | \$ 106.53 | \$ 106.53 |
| 078643 | 440 | XEROX CORPORATION | | \$ - | \$ 203.87 | \$ 203.87 |
| 078643 | 440 | XEROX CORPORATION | | \$ - | \$ 537.08 | \$ 537.08 |
| 078643 | 440 | XEROX CORPORATION | | \$ - | \$ 126.42 | \$ 126.42 |
| 078643 | 700 | XEROX CORPORATION | | \$ - | \$ 337.22 | \$ 337.22 |
| 078643 | 712 | XEROX CORPORATION | | \$ - | \$ 367.62 | \$ 367.62 |
| 078643 | 716 | XEROX CORPORATION | | \$ - | \$ 120.57 | \$ 120.57 |
| | | | | | | |
| TOTAL | | | | | | \$ 1,164,790.82 |
| TOTAL | | | | \$ 15,045.79 | \$ 1,149,745.03 | \$ 1,164,790.82 |

Motion by Mr. Compton to approve the Accounts Payable for July 6, 2017 in the amount of \$1,164,790.82. Motion seconded and unanimously approved.

MANUAL CHECKS

| | | | |
|----------------------------|---------|---------------------------------|--------------------|
| COAL SEVERANCE | | | |
| 002 | | | |
| Date | Check # | VENDOR | Amount |
| 7/7/2017 | 444 | EASTRIDGE HEALTH SYSTEM | \$ 1,600.00 |
| HOME DETENTION | | | |
| 008 | | | |
| Date | Check # | VENDOR | Amount |
| 07/07/17 | 571 | 3M ELECTRONIC MONITORING | \$ 2,400.00 |
| ASSESSOR VALUATION | | | |
| 056 | | | |
| Date | Check # | VENDOR | Amount |
| 7/7/2017 | 629 | UNITED BANK | \$ 1,687.96 |
| SHERIFF CAPITOL O/L | | | |
| 246 | | | |
| Date | Check # | VENDOR | Amount |
| 7/7/2017 | 1632 | BERKELEY GLASS | \$ 697.00 |
| TOTAL | | | \$ 6,384.96 |

Motion by Ms. Noland to approve the Manual Checks for July 6, 2017 in the amount of \$6,384.96. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Nancy Lutz, resident – complained about the lack of an ordinance regarding non-commercial use of fireworks in residential areas.

Robert Fluharty, resident – spoke against the City of Charles Town’s annexation plan and asked the Commission to continue to keep an eye on this project.

PRESENTATIONS

1. Pete Dougherty, Sheriff
 - a. Approval of Promotions
 - **Motion by Ms. Noland to approve the promotion of Deputy Robert Rjasko, effective July 22, 2017 and Douglas Fletcher, effective July 23, 2017, to the rank of Corporal. Motion seconded and unanimously approved.**
 - b. Appointment to Bailiff/Special Deputy List
 - **Motion by Ms. Tabb to approve the hire of Forrest Feagans for Bailiff/Special Deputy. Motion seconded and unanimously approved.**
 - c. Donation of Vehicle
 - **Motion by Mr. Compton to approve the donation of a 2008 Dodge Durango, title no. GC34772, to the Jefferson County Emergency Services Agency. Motion seconded and unanimously approved.**
2. Paul Lowe, Resident – requested a discussion with the Commission regarding speeding, aggressive driving, and general disregard of traffic laws in the Summit Point community.
3. Nikki Painter, Elections – requested approval of polling place location changes for Road Bond Referendum
 - **Motion by Ms. Noland to approve the following polling place location changes for the 2017 Special Election on the Road Bond Referendum: Precinct 22 – South Jefferson Public Library (temporary); Precinct 35 A & B – Cress Creek County Club (temporary); Precinct 20 – Citizen’s Fire Company (permanent). Motion seconded and unanimously approved.**
4. Interview and Appointment to the Jefferson County Planning Commission – one unexpired term ending March 30, 2019.

- **Motion by Mr. Onoszko to appoint F. Jack Hefestay to the Jefferson County Planning Commission for one unexpired term ending March 30, 2019. Motion seconded and unanimously approved.**
- 5. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.
- 6. Interviews and Appointments to the Jefferson County Emergency Services Agency – one unexpired term ending June 30, 2018
 - It was the consensus of the Commission to postpone action on this item until the July 20, 2017 regular County Commission meeting.
- 7. Elizabeth Wheeler, Administrator – Jefferson County Farmland Protection Board – requested the approval of the purchase of one Agricultural Conservation Easement.
 - **Motion by Ms. Tabb to approve the purchase by the Jefferson County Farmland Protection Board for the Jefferson County Farmland Protection Program and the Natural Resources Conservation Service of one conservation easement on the property in Jefferson County owned by Susannah Mayo Buckles. Motion seconded and unanimously approved.**
- 8. Nathan Cochran, Assistant Prosecuting Attorney
 - Discussion of PSD Dissolution Appeal of the PSC decision, acquisition of PSD assets, and related issues
 - **Motion by Mr. Onoszko to go into executive session to discuss PSD related issues. Motion seconded and unanimously approved.**
 - **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**
 - Review and/or amend the Leash Law Ordinance
 - **Motion by Ms. Noland to hold a public hearing on the amendments to the Leash Law Ordinance during the August 3, 2017 regularly scheduled County Commission meeting. Motion seconded and unanimously approved.**
- 9. The Commission recessed for lunch at 12:15 pm.
The Commission reconvened at 1:30 pm.
- 10. Appointment of Jefferson County Municipal Representative to HEPMPO Council

- **Motion by Ms. Noland to appoint Keith “Duke” Pierson (represented by Andrew Blake) to the HEPMPO Council as an interim representative as requested by the City of Charles Town. Motion seconded and passes on a vote of 4-1 with Mr. Compton opposing.**

UNFINISHED BUSINESS

11. Approval of Employment – Administrative Assistant/Ambulance Fee Collector

- **Motion by Ms. Tabb to approve the employment of Susan Dawn Weimer as an administrative assistant/fee collector for the Commission office, effective July 17, 2017 with other options to be examined during budget. Motion seconded and passes on a vote of 4-1 with Mr. Compton opposing.**

12. Decision – Zoning Map Amendment for property designated as Tax District Harpers Ferry, Map 9, Parcel 58.1 – Harpers Ferry Holdings, LLC

- **Motion by Ms. Tabb to approve the Zoning Map Amendment for property designated as Tax District Harpers Ferry, Map 9, Parcel 58.1 – Harpers Ferry Holdings, LLC and find the amendment consistent with the Comprehensive Plan. Motion seconded and unanimously approved.**

13. Discuss replacement and options for Administrative Assistant/Ambulance Fee Collector position

- It was the consensus of the Commission to request the Finance Director to research the cost analysis of outsourcing the ambulance fee collector position.

14. Appointment to the Jefferson County Development Authority Board of Directors

- **Motion by Ms. Tabb to appoint Ann Paonessa to the Jefferson County Development Authority Board of Directors as the interim representative for the City of Charles Town. Motion seconded and unanimously approved.**

FINANCIAL DIRECTOR REPORTS

- Ms. Gordon presented the information on Budget to Actual as of May 13, 2017.

COUNTY ADMINISTRATOR REPORTS

- Movement of Traffic Signals – Ms. Grove informed the Commission the WVDOH would be moving some traffic signals near the downtown campus which would mean some of the posts would be on County property.
- Wireless Fee Increase – Ms. Grove informed the Commission the state wireless fee had increased from \$3.00 per line to \$3.34.
- NACO National Annual Conference – Ms. Grove informed the Commission about the NACO National Annual Conference. Ms. Noland stated she would like to attend; however, she didn't think the costs for travel and registration could be justified.
- CCAWV Membership – Ms. Grove asked the Commission whether they'd be interested in becoming members of the County Commissioner's Association of West Virginia, but they declined as a consensus.

15. Stephen Groh, Assistant Prosecuting Attorney – discuss reimbursement of legal fees for Planning Commissioner Steve Stolipher

- **Motion by Ms. Tabb to find that the attorney fees and expenses incurred by Mr. Stolipher are reasonable, that Mr. Stolipher acted in good faith, and to authorize a reimbursement to Mr. Stolipher in the amount of \$4,617.98. Motion seconded and unanimously approved.**

16. Matt Harvey, Prosecuting Attorney – discuss opioid litigation aimed at pharmaceutical drug distributors that are accused of contributing to the community's heroine epidemic.

- It was the consensus of the Commission to delay action on this item until the July 20, 2017 regularly scheduled Commission meeting pending legal review.

17. Public Hearing – Dissolution of the Jefferson County Public Service District

Commissioner Compton led the Pledge of Allegiance and Commissioner Onoszko opened the public hearing at 7:03 pm.

Hoy Shingleton, counsel for the City of Charles Town, provided the Commission and the audience with the changes made to the City of Charles Town's Proposal for the Acquisition of Assets of the Jefferson County Public Service District since the last public hearing. William Rohrbaugh, counsel for the Jefferson County Commission, provided the Commission and the audience with the necessary steps that need to be taken if the

Commission approves the City's proposal for asset acquisition. Commissioner Onoszko then opened the floor for public comment, which was made by the following:

Martha Zimmerman, resident – spoke in favor of the dissolution of the PSD, stating the current rates are too high.

William Maze, resident – also spoke in favor of the dissolution of the PSD.

Jacqueline Milliron, resident – spoke in support of Charles Town's proposal for asset acquisition.

Kate Akin, resident – stated the water and sewer rates in Jefferson County were too high and cost prohibitive for younger generations to relocate to the county, and as a result, would lessen the growth of the county in the future.

Suzanne Malesic, resident – stated that while she was serving on the Envision Jefferson 2035 Comprehensive Plan board, multiple members of the community spoke to her about the need for the consolidation of utilities in the County.

Susan Dillow, resident – spoke in favor of the dissolution of the PSD, stating she hoped it would mean a reduction in water and sewer rates for customers living outside of the municipalities.

- **There being no further comments, motion by Mr. Onoszko to go into Executive Session. Motion seconded and passes on a vote of 4-1 with Commissioner Tabb opposing.**
- **Motion by Mr. Hudson to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Mr. Onoszko to adopt the Order of Dissolution of the Jefferson County Public Service District. Motion seconded and passes on a vote of 3-2 with Commissioners Noland and Tabb opposing.**
- **Motion by Mr. Compton to rescind his motion made on June 29, 2017 regarding the residency requirements for Jefferson County Public Service District board members. Motion seconded and unanimously approved.**

There being no further business, motion by Ms. Noland to adjourn at 8:17 pm. Motion was seconded and unanimously approved.

PETER ONOSZKO, PRESIDENT

Respectfully Submitted
Jessica D. Carroll
Administrative Assistant