

Minutes

Jefferson County Commission

Thursday, November 2, 2017

A meeting of the Jefferson County Commission was held on Thursday, October 5, 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 Jacki Shadle, County Clerk, Stephanie Grove, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, November 2, 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 Mr. Compton to approve the October 26, 2017 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
079205	425	BONDED APPLICATORS OF MD		\$ -	\$ 1,011.00	\$ 1,011.00
079206	425	BOLAND SERVICES		\$ -	\$ 1,373.36	\$ 1,373.36
079207	P/R DED	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
079208	ALLOC	BAKERTON FIRE DEPT		\$ -	\$ 80,000.00	\$ 80,000.00
079209	P/R DED	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
079210	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
079211	P/R DED	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
079212	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
079213	402	COMPILED TECHNOLOGIES LL	52492	\$ 16,800.00	\$ -	\$ 16,800.00
079214	P/R DED	DELTA DENTAL OF WV		\$ -	\$ 6,360.66	\$ 6,360.66

079215	717	FLEETPRIDE		\$ -	\$ 2.71	\$ 2.71
079215	717	FLEETPRIDE		\$ -	\$ 67.08	\$ 67.08
079216	412	GREATAMERICA FINANCL SVC		\$ -	\$ 315.64	\$ 315.64
079217	P/R DED	THE HARTFORD		\$ -	\$ 4,149.90	\$ 4,149.90
079217	P/R DED	THE HARTFORD		\$ -	\$ 2,330.45	\$ 2,330.45
079218	403	JEFFERSON CENTER		\$ -	\$ 100.00	\$ 100.00
079219	GRANT	JEFFERSON DAY REPORT CNT		\$ -	\$ 298.50	\$ 298.50
079220	P/R DED	JEFFERSON SECURITY BANK		\$ -	\$ 5,915.00	\$ 5,915.00
079221	P/R DED	NICOLE NOBREGA		\$ -	\$ 547.02	\$ 547.02
079222	P/R DED	HIGHMARK WV		\$ -	\$ 185,295.37	\$ 185,295.37
079223	P/R DED	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 543.86	\$ 543.86
079224	P/R DED	MILLENIUUM INSURANCE GROU		\$ -	\$ 750.00	\$ 750.00
079225	406	MILLER'S SUPPLIES AT WOR		\$ -	\$ 57.98	\$ 57.98
079226	P/R DED	NATIONWIDE RETIREMENT		\$ -	\$ 849.00	\$ 849.00
079227	P/R DED	NATIONAL VISION ADMIN.		\$ -	\$ 1,767.34	\$ 1,767.34
079228	425	PATRIOT FIRE AND SECURIT		\$ -	\$ 170.00	\$ 170.00
079228	425	PATRIOT FIRE AND SECURIT		\$ -	\$ 170.00	\$ 170.00
079229	704	WV REGIONAL JAIL &		\$ -	\$ 131,626.00	\$ 131,626.00
079230	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,619.46	\$ 10,619.46
079230	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,407.04	\$ 45,407.04
079230	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 42,303.20	\$ 42,303.20
079231	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 5,803.83	\$ 5,803.83
079231	P/R DED	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 8,193.62	\$ 8,193.62
079232	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,340.00	\$ 2,340.00
079232	P/R DED	SHERIFF OF JEFFERSON CO		\$ -	\$ 315.00	\$ 315.00
079233	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 27,122.52	\$ 27,122.52
079233	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 11,095.63	\$ 11,095.63
079233	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 4,673.98	\$ 4,673.98
079233	P/R DED	WV PUB EMP RETIRE SYS		\$ -	\$ 2,549.42	\$ 2,549.42
079234	700	WILLIAM WALTERS		\$ -	\$ 40.81	\$ 40.81
079235	P/R DED	LISA WALTERS		\$ -	\$ 1,010.55	\$ 1,010.55
TOTAL						\$ 604,319.17
TOTAL				\$ 16,800.00	\$ 587,519.17	\$ 604,319.17

Motion by Ms. Noland approve the Accounts Payable for November 2, 2017 in the amount of \$604,319.17. Motion seconded and unanimously approved.

MANUAL CHECKS

ASSESSOR VALUATION			
O56			
Date	Check #	VENDOR	Amount
11/3/2017	652	MONROE SYSTEMS FOR BUSINESS	\$ 279.23
TOTAL			\$ 279.23

Motion by Ms. Tabb to approve the Manual Checks for November 3, 2017 in the amount of \$279.23. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Robert Miller, resident – spoke in favor of the removal of the plaque, stating it isn’t historical and it “glorifies the wrong side of history.”

Susan Pipes, resident & organizer of the Women’s March (Shepherdstown) – urged the Commission to accept the compromise on the removal of the plaque reached by the Daughters of the Confederacy and the NAACP.

Sammi Brown, resident – stated the Commission was in a position to show true leadership by accepting the unprecedented compromise reached by the Daughters of the Confederacy and the NAACP to relocate the plaque to a more contextually appropriate location.

Cheryl Kemp, resident – presented the Commission with a petition signed by those who support the removal of the Confederate plaque.

Maria Beckman, resident – read an advertisement from 1859 in which a ten-year old “mulatto girl” was to be sold on the steps of the Jefferson County Courthouse. She stated that it was no coincidence the Confederate plaque was placed at the entrance of the Courthouse.

Jane Wagner, resident – stated she was disappointed in the Commission’s decision not to remove the plaque and asked the members of the Commission to consider Mayor Rodger’s suggestion to move the plaque to a more contextually appropriate location

Jeanie Fenton, resident – stated the “status quo must change,” and the intent of the removal of the plaque was not to dishonor the memory of the Confederate soldiers.

Terry Thorson, resident – stated that she was physically upset by Commissioner Onoszko’s call to have Sammi Brown removed from the County Commission meeting room, and asked the Commission to have empathy for the people of color in Jefferson County.

Cindy Feaser, resident – stated she was “horrified” by the plaque and said it needed to be removed.

Jeff Bannon, resident – urged the Commission to reconsider their decision to keep the plaque located by the Courthouse, stating the Commission has a “responsibility to deal with this in a sensitive manner.”

Sandra Jenkins, resident – spoke in favor of the removal of the plaque.

Ethel Hornbeck, resident – stated she was “horrified by the lack of compassion and empathy” shown regarding the matter of the plaque and asked the Commission to consider the message the plaque sends to the residents and visitors of the county.

Jeff Hornbeck, resident – stated the plaque is representative of the “heritage of white supremacy” and needs to be removed from the face of the Courthouse.

John Maxey, resident – stated the plaque does have a place, but it’s not on the face of the Courthouse as it sends a message of inequality.

Liz Cook, resident – stated that the plaque is divisive and needs to be removed from the Courthouse.

Tony Russo, resident – spoke of James Tolbert, Sr., noting that Mr. Tolbert liked to say, “do the right thing, even when it’s hard” and asked the Commission to do the right thing by removing the plaque as one last tribute to Mr. Tolbert.

Ramona Wesling, resident and Chair of the Liberty Political Action Committee – requested the Commission pass the Resolution to protect and preserve all current historical monuments and markers in the County.

Ray Bruning, resident – stated “inanimate objects can’t hurt people,” and that if the plaque were removed, more requests would be presented to remove other historical markers in the County.

Barbara Fuller, resident – stated “we are not responsible for the history behind us” and asked the Commission to support the Resolution to preserve and protect the historical monuments of the County.

Eleanor Finn, resident – asked the Commission to consider postponing a decision on the plaque until there’s been more citizen input on the matter.

Kurt Compton, resident – encouraged the Commission to support the Resolution to preserve and protect the historical monuments of the County.

Danny Chiotos, resident – stated the plaque debate is less about history and more about the “kind of County that residents want to see” and stated the plaque would better serve the County if it were to be placed in a museum or at a battlefield.

Joe Schill, resident – spoke in support of the Resolution to protect and preserve the historical markers in the County and stated it would be a disservice to remove the plaque.

John Lindberg, resident – spoke in support of the Resolution to protect and preserve the historical markers in the County because there would be “no end to this” because “these people won’t stop.”

Jack Hefestay, resident – spoke in support of the Resolution to protect and preserve the historical markers in the County.

Nancy Gregory, resident – spoke in support of the removal of the plaque and stated that all Americans are immigrants, however, black Americans did not elect to come to the States by choice.

Amanda Stroud, resident – stated that Resolutions are not legally binding and asked the Commission to consider the compromise from the Daughters of the Confederacy and the NAACP to relocate the plaque.

Aaron Stackett, resident – stated that, if money were an issue, that fundraising could be done for the removal of the plaque or for the creation of another plaque to honor the Union soldiers and slaves of Jefferson County.

David Tabb, resident – stated he was happy to see the large crowd at the Commission meeting, but claimed that he has been protesting the local government for ten years and he’s still “enslaved by the system” as he believes he’s not had his day in court.

Ron Hollander, resident – stated there were no monuments erected for the German cause after World War II, and stated the Confederate plaque should be a source of shame for the County.

Emily Vaughn, resident – stated the Confederate plaque is representative of white privilege and “how we decorate” sends a message to residents and influences how they feel, and as such, the plaque should be removed.

Name Unknown – stated he was offended by the County Commission’s lack of action regarding the plaque, stating it’s the Commission’s job to provide a hospitable community for its residents.

PRESENTATIONS

1. Resolution – Protect all existing historical monuments, memorials, and markers erected in the county.
 - **Motion by Mr. Compton to approve the Resolution to protect all existing historical monuments, memorials, and markers erected in the county. Motion seconded and passes on a vote of 3-2 with Commissioners Noland and Tabb opposing.**
2. Matt Harvey, Prosecuting Attorney – requested approval to develop an RFP for a Case Management Program and funding for the Prosecuting Attorney’s Office.
 - **Motion by Mr. Onoszko to authorize the Prosecuting Attorney to submit an RFP for a case management system with the assistance of the IT Department. Motion seconded and unanimously approved.**
3. Nicolas H. Diehl, Director, Jefferson County Development Authority – provided the commission and the audience with an update on the vision of the Economic Development Authority.
4. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.

5. Lynn Fields, Probate Office – presented a Petition for the Removal of Executor in the Estate of Doris Wells.

- **Motion by Ms. Noland to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**
- **Motion by Mr. Onoszko to continue the issue of the Petition for the Removal of Executor in the Estate of Doris Wells until a future hearing date to be set in December 2017 or January 2018. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to adjourn as a Fiduciary Review Board. Motion seconded and unanimously approved.**

6. Nathan Cochran, Assistant Prosecuting Attorney

- Discussion of PSD Dissolution, Appeal/Intervention of the PSC decision, acquisition of PSD assets, and related issues – Discussion/Action – Possible Executive Session
- Discussion and update regarding opioid litigation by Skinner Law Firm – Discussion/Action – Possible Executive Session
- Update on EEOC Claim #533-2017-00706 – Discussion/Action – Possible Executive Session
- **Motion by Ms. Noland to enter into Executive Session to discuss matters concerning the JCPSD, opioid litigation, EEOC Claim #533-2017-00706, and employee recognition. Motion seconded and unanimously approved.**
- **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to recess for lunch at 12:25 pm and reconvene at 1:30 pm for the zoning amendment public hearing. Motion seconded and unanimously approved.**

FINANCIAL DIRECTOR REPORTS

- Review and approval of FY2018 Internal Budget Revision 1 for the Coal Severance Fund

- **Motion by Ms. Noland to approve FY18 Internal Budget Revision #1 as presented by Ms. Gordon. Motion seconded and unanimously approved.**
 - Review and approval of FY2018 State Budget Revision 4 for the General Fund
- **Motion by Ms. Tabb to approve FY18 State Budget Revision #4 as presented by Ms. Gordon. Motion seconded and unanimously approved.**
 - Continued discussion of Ambulance Fee Billing Rate Structure
 - Review of FY2018 Budget to Actual as of September 30, 2017
 - Ambulance Fee Analysis

COUNTY ADMINISTRATOR REPORTS

- Emergency Communications Center Outage – Ms. Grove stated the Emergency Communications Center experienced a total outage due to battery failure. Ms. Grove stated she would be working with the Maintenance, Communications, and IT department heads to identify and correct the problem to ensure it would not reoccur in the future and would report more information to the Commission as she learned more about the failure.
 - Legislative Summit – Ms. Grove stated she was having difficulty arranging for a majority of Jefferson County legislatives to attend the legislative summit. It was the consensus of the Commission to allow Ms. Grove to schedule the summit on a day when most were available to attend.
 - Employee Holiday Celebration – Ms. Grove asked the Commission if they would prefer an employee holiday breakfast or luncheon at the end of the year. It was the consensus of the Commission to host a holiday luncheon in the Jefferson County Commission meeting room from 12-2pm, date to be determined.
7. Public Hearing – Zoning Map Amendment for Rankin Properties LLC, designated as Tax District 9, Map 8, Parcel 8.1 – Map Amendment from Residential Growth to General Commercial as supported by the Envision Jefferson 2035 Comprehensive Plan

Ms. Brockman, Director of Planning, provided an overview of the rezoning request, stating the property would be rezoned from Residential Growth to General Commercial. Ms. Brockman also stated the Planning Commission had unanimously voted that the request was consistent with the Envision Jefferson 2035 Comprehensive Plan.

President Onoszko then opened the floor for public comment, which was made by the following:

Davitt McAteer, resident – stated he was against the rezoning request as he believed the allowance of the request would be considered “spot zoning.”

Nathaniel Hitt, resident – read a letter from Mayor Jim Auxer of Shepherdstown, opposing the rezoning request for several reasons, including lack of protection for existing residents, and the “unrestrictive classification” of General Commercial near Morgan Grove Park.

There being no further comments, Mr. Onoszko stated the record would remain open for two weeks to allow time for written comment, and the Commission would take action on the request during the November 16, 2017 regularly scheduled County Commission meeting.

8. There being no further business, motion by Mr. Compton to adjourn at 3:35 pm. Motion seconded and unanimously approved.

PETER ONOSZKO, PRESIDENT

Respectfully Submitted
Jessica D. Carroll
Administrative Assistant