

Minutes

Jefferson County Commission

Thursday, September 19, 2019

A meeting of the Jefferson County Commission was held on Thursday, September 19, 2019 during the third quarterly session 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, Ralph Lorenzetti, and Jane Tabb. Commissioner Noland was absent with prior notice. Also present were Stephanie Grove, County Administrator; Jessica Carroll, Executive Administrative Assistant; Jacqueline Shadle, Clerk of the County Commission; and Jim Eddy, Bailiff. (An audio tape of the Thursday, September 19, 2019 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Lorenzetti led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Compton to approve the August 29, 2019 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.

Motion by Mr. Compton to approve the September 5, 2019 Regular Meeting Minutes as presented. Motion seconded and unanimously approved

APPROVAL OF ACCOUNTS PAYABLE

CHECK #		VENDOR NAME		AMOUNT
82275		AMERIFLEX		\$ 185.00
82276		ANGELA L BANKS		\$ 86.00
82277		ANGELA L BANKS		\$ 42.00
82278		APEX OFFICE CHAIRS, INC		\$ 1,696.66
82279		ATLANTIC OCCUPSYCH, INC.		\$ 885.00

82280		BADZIK PRINTING SERVICE INC		\$ 330.96
82281		BIEDLERS ELEC MOTOR REP		\$ 76.98
82282		BOLAND TRANE SERVICES INC		\$ 1,763.00
82283		COMPTROLLER OF MARYLAND		\$ 1,250.36
82284		DIANN BROWN		\$ 11.94
82285		EASTERN PANHANDLE INVESTIGATIONS		\$ 645.00
82286		EFTPS IRS TAXES		\$ 97,096.01
82287		FORREST RICHARD FEAGANS		\$ 25.61
82288		FRANKLIN & PROKOPIK P.C.		\$ 450.00
82289		GUTTMAN OIL CO		\$ 3,398.56
82290		J.C. EHRlich		\$ 715.00
82291		JACQUELINE SHADLE		\$ 42.00
82292		JAMES SAGER		\$ 13.90
82293		JOSEPH MURPHY		\$ 87.50
82294		JUSTTECH LLC		\$ 87.61
82295		MOOREFIELD POLICE DE		\$ 173.07
82296		MOTOROLA SOLUTIONS INC		\$ 968.00
82297		P/R DEDUCTION		\$ 1,883.61
82298		RC AIR AND MOLD SOLUTIONS		\$ 295.00
82299		RC AIR AND MOLD SOLUTIONS		\$ 445.00
82300		RICE TIRES CO		\$ 508.72
82301		RONALD DANTZIC		\$ 15.74
82302		SHERWIN-WILLIAMS		\$ 18.71
82303		SOFTWARE SYSTEMS INC		\$ 1,342.00
82304		TERESA HENDRICKS		\$ 182.64
82305		TONI L MILBOURNE		\$ 650.00
82306		US POSTAL SERVICE		\$ 20,000.00
82307		VA DEPT OF TAXATION		\$ 993.18
82308		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		\$ 88,731.75
82309		WV STATE POLICE		\$ 50.00
82310		WV STATE TAX DEPT		\$ 35,208.03
82311		XEROX CORPORATION		\$ 906.48
82312		XEROX FINANCIAL SERVICES		\$ 298.19
82313		GENERAL CO FUND-004		\$ 4,020.29
82314		WV STATE AUDITOR		\$ 21,750.00
TOTALS				\$ 287,329.50

Motion by Mr. Compton to approve the Accounts Payable for September 12, 2019, in the amount of \$287,329.50. Motion seconded and unanimously approved.

CHECK #		VENDOR NAME		AMOUNT
82233		ADVANTAGE TECHNOLOGY LLC		\$ 4,200.00
82234		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		\$ 3,095.36
82235		AMERIFLEX		\$ 121.60
82236		AT&T		\$ 158.32
82237		BERKELEY PRINTING & DESIGN		\$ 99.95
82238		BLUE 360 MEDIA		\$ 512.73
82239		BROOKE HESS		\$ 102.50
82240		BUREAU OF CHILD SUPPORT		\$ 169.39
82241		CAPITAL ELECTRIC		\$ 1,668.95
82242		COLONIAL LIFE		\$ 163.20
82243		CREAMERS WRECKER SERVICE		\$ 110.00
82244		DELTA DENTAL OF WV		\$ 6,641.51
82245		EMILY MORROW		\$ 228.63
82246		EMPOWER RETIREMENT		\$ 2,655.00
82247		FIFTH THIRD BANK		\$ 93,750.92
82248		GUTTMAN OIL CO		\$ 3,669.42
82249		HIGHMARK WV		\$ 205,566.91
82250		JEFFERSON SECURITY BANK		\$ 4,685.00
82251		JEFFREY POLCZYNSKI		\$ 87.50
82252		P/R DEDUCTION		\$ 3,250.00
82253		LANGUAGE LINE SERVICES		\$ 187.40
82254		MILLER'S SUPPLIES AT WORK		\$ 66.22
82255		MINGHINI'S		\$ 46,312.50
82256		NATIONAL VISION ADMIN.		\$ 1,856.54
82257		NATIONWIDE RETIREMENT SOLUTIONS		\$ 849.00
82258		PROMOS 911 INC.		\$ 935.09
82259		RETIREE HEALTH BENEFIT TRUST		\$ 8,646.00
82260		RICE TIRES CO		\$ 472.20
82261		RICHARD HAHN		\$ 102.50
82262		SHERIFF OF JEFFERSON COUNTY		\$ 10.95
82263		SHERIFF OF JEFFERSON COUNTY		\$ 15.50
82264		SOFTWARE SYSTEMS INC		\$ 164.00
82265		THE HARTFORD		\$ 3,953.42
82266		THE HARTFORD		\$ 2,400.30
82267		TRACY P HERRON-RICE		\$ 42.35
82268		VITAL SIGNS		\$ 485.00

82269		W.B. MASON CO. INC		\$ 235.89
82270		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 16,824.62
82271		WV ENHANCED 911 COUNCIL		\$ 273.66
82272		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 500.00
82273		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 44,879.95
TOTALS				\$ 460,149.98

Motion by Ms. Tabb to approve the Accounts Payable for September 19, 2019, in the amount of \$460,149.98. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
667	HD/8	CDA		\$ 627.75
749	AV/56	THE JOURNAL		\$ 700.00
317	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 80,458.43
1728	CO/246	MINIGHINI'S		\$ 46,312.50
TOTAL				\$ 128,098.68

Motion by Mr. Compton to approve the Manual Checks for September 13, 2019 in the amount of \$128,098.68. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
665	HD/8	ATTENTI		\$ 3,475.20
666	HD/8	FIFTH THIRD BANK		\$ 56.94
746	AV/56	FIFTH THIRD BANK		\$ 778.85
747	AV/56	GLOBAL SCIENCE & TECH		\$ 5,650.08
1201	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 112,127.76
1202	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 2,191.68
1203	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 8,704.39
1204	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 1,021.34
TOTAL				\$ 134,006.24

Motion by Mr. Compton to approve the Manual Checks for September 20, 2019 in the amount of \$134,006.24. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Compton to approve the Requisitions for September 19, 2019 in the amount of \$58,671.34 to include Requisition Nos. 20014 and 20016. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was made by the following individuals: Nancy Gregory, David Tabb, and Jay Mansfield. Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

PRESENTATIONS

1. Angie Banks, Assessor – requested approval of the following Exonerations and Split Tickets:

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Justin Schultz	PP	HF	308818	\$599.39

- **Motion by Ms. Tabb to approve the Exoneration for Ticket No. 308818 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Semper Fi Transport, LLC	PP	CTD	304175	\$473.12

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 304175 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Francesco Ariano	PP	RC	313898	\$30.94

- **Motion by Mr. Lorenzetti to approve the Exoneration for Ticket No. 313898 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Behzad Touhidi-Baghini	PP	HF	309151	\$27.84

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 309151 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Lawrence Heflin	PP	CTC	305871	\$33.60

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 305871 as presented. Motion seconded and unanimously approved.**

2. Pete Dougherty, Sheriff – requested approval of multiple grant awards.

- **Motion by Mr. Compton to approve the acceptance of the grant awards from the WVHSEM for \$32,000 for the purchase of 2 mobile license plate readers and \$100,000 for the purchase of 20 mobile data terminals, 12 SRT communication adapters, and 10 helmets, and authorize the President of the Commission to sign the acceptance documents. Motion seconded and unanimously approved.**

3. Public Hearing – Zoning Text Amendment #ZTA19-01

Alexandra Beaulieu, Zoning Administrator, provided the Commission and the audience with an explanation of potential Zoning Text Amendment 19-01 regarding special events facilities. Ms. Tabb then opened the floor for public comment, which was made by the following:

Doug Rockwell, resident – spoke in opposition to ZTA 19-01.

Danny Lutz, resident – spoke in opposition to ZTA 19-01.
Locke Wysong, resident – spoke in favor of ZTA 19-01.

There being no further public comment, Ms. Tabb closed the public hearing and stated the record would remain open for two weeks to allow time for written comment with a final decision to be made during the regularly scheduled October 3, 2019 County Commission meeting.

4. Roger Goodwin, Chief County Engineer – requested the approval of the Jefferson County Asphalt Products Co., Inc. proposal in the amount of \$49,080.00 to resurface Rose Hill Drive under the Rose Hill Estates Subdivision – Site Work Project (JCPC File No. 02-09)
 - **Motion by Ms. Tabb to approve the Jefferson Asphalt Products Co., Inc’s proposal in the amount of \$49,080.00 to resurface Rose Hill Drive, under JCPC File No. 02-09; and upon completion of the work, to authorize the Office of Engineering to make payment from escrowed bond funds to Jefferson Asphalt Products Co., Inc. Motion seconded and unanimously approved.**

5. Lynn Fields, Probate – requested the closure of three estates that did not meet the requirements to be closed in July.
 - **Motion by Ms. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**

 - **Motion by Ms. Tabb to close the following estates: Estate of Norma W. Moore; Estate of Donald E. Holmes; Estate of Evelyn Holmes. Motion seconded and unanimously approved.**

 - **Motion by Mr. Hudson to reconvene as a County Commission. Motion seconded and unanimously approved.**

6. Interviews/Appointments to the Jefferson County Water Advisory Committee
 - **Motion by Ms. Tabb to appoint Kirsten Cook and Nancy Lutz to the JCWAC each for an unexpired term ending January 31, 2021 and Jim Cummins for an unexpired term ending January 31, 2022. Motion seconded and unanimously approved.**

7. Alexander Naupac, Citizen – requested exoneration of late fees for unpaid ambulance fee bills for 2015 and 2016. This item was rescheduled for the October 3, 2019 Regularly Scheduled County Commission meeting.

8. Nathan Cochran, Assistant Prosecuting Attorney

- Discussion of Jefferson County Civil Action #17-C-282
 - Discussion of Renewal of County Cable Franchise Agreement, resolution of franchise fee audit and related issues
 - Discussion of Jefferson County Circuit Court Civil Action#18-C-171
 - Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397
 - Discussion of Jefferson County Circuit Court Civil Action #17-C-282
 - Discussion of Jefferson County Circuit Court Civil Action #19-C-96
 - Discussion of and communication with FEMA regarding potential resolution - US District Court (Northern District) Civil Action #3:18-CV-122
- **Motion by Ms. Tabb to enter into Executive Session to discuss EEOC Charges #533-2017-00706 and #533-2019-01397. Motion seconded and unanimously approved. (please note Ms. Grove recused herself from this discussion)**
 - **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Motion by Mr. Compton to approve position statement as presented by Counsel and authorize the President (or Vice President) of the Commission to sign the document. Motion seconded and unanimously approved.**
9. Decision on Proposed Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-02 – Public Hearing was held on August 29, 2019.
 - **Motion by Mr. Compton to approve the Zoning Text Amendment #ZTA19-02 as presented. Motion seconded and unanimously approved.**
 10. Appointment of EMS Representative to the E911 Advisory Board – one three year term ending September 1, 2022. It was the consensus of the Commission to advertise this vacancy to the general public and make an appointment at a later date.
 11. Notice of Intent to Appoint to the Jefferson County Broadband Planning Team – two citizens – Ms. Grove notified the Commission that staff had not received applications from any members of the public. It was the consensus of the Commission to request staff re-advertise the vacancies.
 12. Lease of Agricultural Land Owned by Jefferson County Commission (please note Commissioner Tabb recused herself on this matter, and Commissioner Noland called in to the meeting to participate in the discussion and vote)
 - **Motion by Mr. Lorenzetti to award the bid to Lyle C. Tabb & Sons, current renter of the property, for \$157 per acre on a 17 acre parcel for the**

production of agricultural crops, for a period of one year. Motion seconded and passes on a vote of 3-1 with Commissioner Compton opposing.

13. Acknowledgement of the Assessor's Certificate of Compliance

- **Motion by Ms. Tabb to acknowledge the Assessor's Certificate of Compliance as presented. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

- Deputy Administrator for E911 – MS. Grove notified the Commission that Joseph Murphy, newly hired deputy administrator in the Emergency Communications department, reported for duty on Monday, September 16.
- Board of Assessment Appeals – Ms. Grove reminded the Commission of the Board of Assessment Appeals hearing taking place in the Courthouse on Tuesday, October 22 at 10am.
- Tax Office Renovation – Ms. Grove stated the tax office renovation/remediation was complete and invited the Commissioner to take a tour of the facilities.

14. The Commission adjourned at 8:27 pm on a motion by Mr. Compton. Motion was seconded and unanimously approved.

Patricia A. Noland, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

