

Minutes

Jefferson County Commission

Thursday, December 19, 2019

A meeting of the Jefferson County Commission was held on Thursday, December 19, 2019 during the fourth 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, Patricia Noland and Jane Tabb. Commissioner Ralph Lorenzetti 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, December 19, 2019 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Hudson led the Pledge of Allegiance.

APPROVAL OF REQUISITIONS

Motion by Mr. Compton to approve the Requisitions for December 19, 2019 in the amount of \$47,032.00 to include Requisition Nos. 20020 and 20021. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK #	VENDOR NAME	AMOUNT
82630	BERKELEY GLASS INC	\$ 260.00
82631	BUREAU OF CHILD SUPPORT	\$ 169.39
82632	CAPITAL LIGHTING & SUPPLIES, LLC	\$ 61.24
82633	EFTPS IRS TAXES	\$ 98,846.44
82634	EMPOWER RETIREMENT	\$ 2,610.00
82635	FIFTH THIRD BANK	\$ 103,917.46
82636	GUTTMAN OIL CO	\$ 5,545.52
82637	JEFFERSON SECURITY BANK	\$ 5,030.00

82638		NFPA-NATIONAL FIRE PROTECTION ASSOCIATION		\$ 175.00
82639		NATIONWIDE RETIREMENT SOLUTIONS		\$ 849.00
82640		PATRIOT FIRE AND SECURITY		\$ 190.00
82641		R.E. MICHEL CO. LLC		\$ 39.60
82642		RICE TIRES CO		\$ 853.38
82643		SHERIFF OF JEFFERSON COUNTY		\$ 22.68
82644		SOFTWARE SYSTEMS INC		\$ 2,991.05
82645		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 16,979.20
82646		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 46,484.61
82647		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 500.00
82648		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		\$ 64,751.50
82649		SHEFRIFF OF JEFFERSON CO. GENERAL CO -004		\$ 26,625.55
82650		THE HARTFORD GROUP BENEFITS		\$ 2,476.50
82651		THE HARTFORD GROUP BENEFITS		\$ 4,006.82
TOTAL				\$ 383,384.94

Motion by Ms. Tabb to approve the Accounts Payable for December 12, 2019, in the amount of \$383,384.94. Motion seconded and unanimously approved.

CHECK #		VENDOR NAME		AMOUNT
82652		AMERIFLEX		\$ 121.60
82653		CAPITAL LIGHTING & SUPPLIES, LLC		\$ 1,453.30
82654		DARYLL WIMER		\$ 6.38
82655		DEBBIE LOWE		\$ 2,015.27
82656		GAIL MCMILLION		\$ 2,065.85
82657		JEANNA HOLLER		\$ 9.40
82658		LYNDSEY W MATSCHAT		\$ 356.12
82659		MARGARET GAINEY		\$ 1,087.12
82660		MARY K. HURLEY		\$ 123.20
82661		MATTHEW HARVEY		\$ 358.44
82662		NEIL ZAHRADNIK		\$ 330.60
82663		RETIREE HEALTH BENEFIT TRUST		\$ 8,646.00
82664		ROBERT L PETERSON SR		\$ 11.58
82665		RONALD DANTZIC		\$ 44.42
82666		STEPHEN V GROH		\$ 380.48
82667		W.B. MASON CO. INC		\$ 229.09
82668		WILLIAM POTTER		\$ 14.72

TOTAL				17,253.57

Motion by Ms. Noland to approve Accounts Payable for December 19, 2019 in the amount of \$17,253.57. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
678	HD/8	ATTENTI		\$ 7,299.20
679	HD/8	CDA		\$ 483.75
320	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 74,005.60
1735	CO/246	JEFFERSON CO EMERGENCY SERVICES		\$ 61,000.00
1736	CO/246	TYLER TECH		\$ 1,275.00
137	IP/249	JEFFERSON CO EMERGENCY SERVICES		\$ 20,000.00
TOTAL				\$ 164,063.55

Motion by Mr. Compton to approve the Manual Checks for December 13, 2019 in the amount of \$164,063.55. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
759	AV/56	PRINT-O-STAT		\$ 190.00

Motion by Ms. Tabb to approve the Manual Checks for December 20, 2019 in the amount of \$190.00. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Ms. Noland to approve the Payroll for December 12, 2019 in the amount of \$274,671.73. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was made by the following individuals: David Tabb. Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

PRESENTATION OF RESOLUTION

Matt Harvey, Jefferson County Prosecuting Attorney, presented a Resolution of Appreciation to Patsy Kidwell prior to her impending retirement.

PRESENTATIONS

1. Nikki Painter, Voter Registration and Elections – requested the approval of the Extended Emergency Absentee Voting Policy.
 - **Motion by Mr. Compton to approve the Extended Emergency Absentee Voting Policy as presented. Motion seconded and unanimously approved.**
2. Michelle Gordon, Finance Director – requested the review and approval of the of FY2020 State Budget Revision 3 for the General County Fund
 - **Motion by Ms. Noland to approve the FY20 State Budget Revision 3 for the General County Fund as presented. Motion seconded and passes on a vote of 3-1 with Mr. Compton opposing.**
3. Public Hearing – Zoning Map Amendment (rezoning) for the property designated as Tax District: Middleway (07); Tax Map: 2; Parcel 1.3. The property is located on the southeast corner of Coast Guard and Charles Town Road, near the Jefferson and Berkeley County line. Property owner is Murall Limited Partnership.

Mr. Paul Raco, Land Use Consultant for the property in question, provided the Commission and the audience with a brief overview of the rezoning request, noting the request was consistent with the Comprehensive Plan. President Noland then opened the floor to receive public comment regarding the rezoning request; however, no comments were made. President Noland stated the record would remain open for two weeks to allow time for written comment and closed the public hearing at 7:08pm.
4. Interviews and Appointments to the Jefferson County Development Authority – Bolivar Representative – one unexpired term ending April 5, 2022
 - **Motion by Mr. Compton to appoint Amanda McDaniel as the Bolivar representative for the Jefferson County Development Authority for one unexpired term ending April 5, 2022. Motion seconded and unanimously approved.**
5. The Commission recessed for break at 7:30 pm.
The Commission reconvened at 7:45 pm.

6. William T. Wootton, citizen – requested a waiver of the Late Fee of 2015/2016 Ambulance Fee
 - **Motion by Ms. Tabb to approve the exoneration of late fee to William T. Wootton for the 2015-2016 ambulance fee in the amount of \$30.00. Motion seconded and unanimously approved.**

7. Elliot Simon, Chair, Jefferson County Emergency Services Agency – presented the Commission with a Resolution to add an additional voting member to the JCESA Board, as amended and adopted at the November 19, 2019 JCESA meeting.
 - It was the consensus of the Commission to review the JCESA Ordinance and Bylaws to see whether an additional citizen member could be added to the board membership and place this item on a future agenda.

8. Roger Goodwin, Chief County Engineer, Department of Engineering, Planning and Zoning
 - a. Requested the Complete Release of the Escrow Account with the Bank of Charles Town construction bond security for P.F.K, LLC – Locust Hill Townhouses, Phase III, Lots 56-95 (File #04-19)
 - **Motion by Mr. Compton to authorize a complete release of the Escrow Bond Account with the Bank of Charles Town in the amount of \$60,979.00 construction bond amount for P.F.K., LLC – Locust Hill Townhouses, Phase III, Lots 56-95 (File #04-19). Motion seconded and unanimously approved.**
 - b. Requested a Complete Release of Performance Bond No. 483703S with Developers Surety and Indemnity Company construction bond security for The Kentland Foundation, Inc. – Starbucks Somerset Village (File #S18-03)
 - **Motion by Mr. Compton to authorize a complete release of Performance Bond No. 483703S with Developers Surety and Indemnity Company in the amount of \$321,357.00 construction bond amount for The Kentland Foundation, Inc. – Starbucks Somerset Village (File #S18-03). Motion seconded and unanimously approved.**

9. Elizabeth Wheeler, Director, Jefferson County Farmland Protection Board – requested the approval and acceptance of one donated Agricultural Conservation Easement.
 - **Motion by Ms. Tabb to approve the donation to the Jefferson County Farmland Protection Board of one conservation easement on the property in Jefferson County owned by Henry A. Willard II and John Brooks Willard (Property SD03). Motion seconded and unanimously approved.**

10. 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 #19-C-96
 - Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282)
 - Discussion of EPA Administrative Complaint #04R-19-R3
 - Discussion of Jefferson County Circuit Court Civil Action #19-AA-1
- **Motion by Ms. Noland to enter into Executive Session to receive legal advice regarding the EPA Administrative Complaint #04R-19-R3 and Jefferson County Circuit Court Civil Action #19-AA-1. Motion seconded and unanimously approved.**
 - **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**

NEW BUSINESS

11. Approval of the Notice for the 2020 Board of Review and Equalization

- **Motion by Ms. Noland to approve the notice for the 2020 Board of Review and Equalization as presented. Motion seconded and unanimously approved.**

12. Selection of date and time for joint work session with the Jefferson County Planning Commission and Greenway Engineering to discuss amendments to the Jefferson County Land Development Ordinance and Subdivision Regulations

- It was the consensus of the Commission to meet on Tuesday, February 11, 2020 at 6:00 pm for a joint work session with the Jefferson County Planning Commission and Greenway Engineering to discuss amendments to the Jefferson County Land Development Ordinance and Subdivision Regulations, with a public hearing on the amendments to be scheduled tentatively for March 5, 2020.

13. Creation of Construction Manager Position and Approval of Job Description

- **Motion by Ms. Noland to approve the creation of the Construction Manager Position and accompanying job description with an effective date of January 13, 2020. Motion seconded and passes on a vote of 3-1 with Mr. Compton opposing.**

14. Transfer of employee to Construction/Project Manager position

- **Motion by Ms. Noland to transfer Bill Polk to the Construction/Project Manager Position, effective January 13, 2020. Motion seconded and passes on a vote of 3-1 with Mr. Compton opposing.**

15. Appointment of Interim Maintenance Director

- **Motion by Ms. Noland to appoint Laura Kuhn as the Interim Maintenance Director for the Jefferson County Department of Maintenance. Motion seconded and passes on a vote of 3-1 with Mr. Compton opposing.**

16. 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

