

## Minutes

### Jefferson County Commission

Thursday, October 29, 2020

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A meeting of the Jefferson County Commission was held on Thursday, October 29, 2020 during the third quarterly session at 9:30 a.m. The meeting was held via GoToWebinar. Present were Commissioners Jane Tabb, President, Patricia Noland, Ralph Lorenzetti, Caleb Hudson, and Josh Compton. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, October 29, 2020 meeting is available on the Jefferson County Commission website.)

#### PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

**Motion by Mr. Compton to approve the October 15, 2020 Regular Meeting Minutes as with noted corrections. Motion seconded and unanimously approved.**

#### APPROVAL OF REQUISITIONS

**Motion by Ms. Tabb to approve the Requisitions for October 29, 2020 in the amount of \$15,256.58 to include Requisition Nos. 21010 and 21012. Motion seconded and unanimously approved.**

#### APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
83865	ADAM WARD	\$ 108.56
83866	AMERIFLEX	\$ 128.00
83867	AT&T	\$ 131.18

83868		BHM CPA GROUP INC		\$ 25,000.00
83869		BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY		\$ 55,334.92
83870		BOLAND TRANE SERVICES INC		\$ 1,771.00
83871		BUREAU OF CHILD SUPPORT		\$ 248.31
83872		CACH LLC		\$ 276.76
83873		CITY OF CHARLES TOWN		\$ 153.57
83874		COAST TO COAST COMPUTER PRODUCTS		\$ 30.16
83875		CREAMERS WRECKER SERVICE		\$ 170.00
83876		CRYSTAL SPRING		\$ 31.78
83877		EFTPS IRS TAXES		\$ 98,660.44
83878		EMPOWER RETIREMENT		\$ 5,256.18
83879		FEDEX		\$ 136.68
83880		FIFTH THIRD BANK		\$ 120,670.32
83881		G & TRIPLE T LLC		\$ 5,670.00
83882		GUTTMAN OIL CO		\$ 4,954.68
83883		IPC TECHNOLOGIES INC.		\$ 13,676.00
83884		JEFFERSON CO EMERGENCY SERVICES AGENCY		\$ 13,079.11
83885		JEFFERSON SECURITY BANK		\$ 4,699.00
83886		JEFFREY POLCZYNSKI		\$ 25.52
83887		LAURA L KUHN		\$ 3,250.00
83888		LISA WALTERS		\$ 1,226.10
83889		MATTHEW BENDER		\$ 338.31
83890		NATIONWIDE RETIREMENT SOLUTIONS		\$ 849.00
83891		RANSON POLICE DEPT		\$ 809.19
83892		RETIREE HEALTH BENEFIT TRUST		\$ 8,392.00
83893		SHANNON BURLETT		\$ 1,378.21
83894		SHENTEL		\$ 1,832.48
83895		SOFTWARE SYSTEMS INC		\$ 1,176.00
83896		TERRY PALMER		\$ 1,024.11
83897		THE HARTFORD		\$ 3,624.88
83898		THE HARTFORD		\$ 2,406.65
83899		TOWN OF BOLIVAR		\$ 3,341.95
83900		MOOREFIELD POLICE DEPARTMENT		\$ 307.44
83901		VERIZON WIRELESS SERVICES LLC		\$ 50.00
83902		WENDY JENKINS		\$ 3,250.00
83903		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 15,410.77
83904		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 47,551.18
83905		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		\$ 65,427.00
83906		AVALANCHE SERVICE		\$ 1,162.50

<b>TOTAL</b>				<b>\$ 513,019.94</b>
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**Motion by Mr. Compton to approve the Accounts Payable for October 15, 2020 in the amount of \$513,019.94. Motion seconded and unanimously approved.**

<b>CHECK#</b>	<b>VENDOR NAME</b>	<b>AMOUNT</b>
83907	CAPITAL LIGHTING & SUPPLIES LLC	\$ 641.22
83908	CRYSTAL SPRING	\$ 37.03
83909	WV ENHANCED 911 COUNCIL	\$ 238.50
83910	XEROX CORPORATION	\$ 1,035.35
83911	SHERIFF OF JEFFERSON CO-004	\$ 11,550.50
<b>TOTAL</b>		<b>\$ 13,502.60</b>

**Motion by Ms. Noland to approve the Accounts Payable for October 22, 2020 in the amount of 13,502.60. Motion seconded and unanimously approved.**

<b>CHECK#</b>	<b>VENDOR NAME</b>	<b>AMOUNT</b>
83913	AMANDA MASTERS	\$ 79.93
83914	BERKELEY GLASS INC	\$ 12,488.48
83915	BUREAU OF CHILD SUPPORT	\$ 248.31
83916	CACH LLC	\$ 275.43
83917	CASTO & HARRIS INC	\$ 173.49
83918	CHARLES VANGILDER	\$ 6.03
83919	CITY OF CHARLES TOWN	\$ 153.57
83920	COMPTROLLER OF MARYLAND	\$ 2,263.08
83921	DS SERVICES STANDARD	\$ 608.42
83922	DARYLL WIMER	\$ 12.69
83923	DODSON SEPTIC SERVICE LLC	\$ 550.00
83924	DOUGLAS PITTINGER	\$ 23.04
83925	DR. ROBERT E JONES III	\$ 1,000.00
83926	EFTPS IRS TAXES	\$ 105,283.01
83927	EMILY MORROW	\$ 94.90
83928	EMPOWER RETIREMENT	\$ 5,243.12
83929	ESI ELECTRONIC SYSTEMS INC	\$ 715.41
83930	ESS ELECTION SYSTEMS & SOFTWARE	\$ 130.95
83931	FEDEX	\$ 390.15



330	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 97,955.78
833	AV/56	FIFTH THIRD BANK		\$ 1,330.53
834	AV/56	GLOBAL SCIENCE & TECH		\$ 10,944.00
835	AV/56	MATTHEW BENDER		\$ 354.20
836	AV/56	MONROE		\$ 404.50
837	AV/56	SEGRA		\$ 616.00
<b>TOTAL</b>				<b>\$ 129,874.37</b>

**Motion by Mr. Lorenzetti to approve the Manual Checks for October 16, 2020 in the amount of \$129,874.37. Motion seconded and unanimously approved.**

<b>MANUAL CHECKS</b>				
Check#	Fund	VENDOR		Amount
838	AV/56	JUSTTECH LLC		\$ 361.45
1253	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 86,048.45
1254	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 2,466.78
1255	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 6,889.48
1256	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 744.93
<b>TOTAL</b>				<b>\$ 96,511.09</b>

**Motion by Mr. Lorenzetti to approve the Manual Checks for October 23, 2020 in the amount of \$95,511.09. Motion seconded and unanimously approved.**

### **PAYROLL APPROVAL**

**Motion by Ms. Noland to approve the Payroll for October 15, 2020 in the amount of \$274,579.32. Motion seconded and unanimously approved.**

### **PUBLIC COMMENT**

No public comment was received during this meeting.

Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

### **PRESENTATIONS**

1. Angie Banks, Assessor requested the approval of the following Exonerations:

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Dillon Crossley	PP	KD	309993	\$100.14

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 309993 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Chrissie Smith	PP	CTD	304325	\$22.76

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 304325 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Nancy Nichols	RE	SD	28692	\$1122.07

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 28692 as presented. Motion seconded and unanimously approved.**

2. Peter Dougherty, Sheriff

a. Grant Awards

- **Motion by Ms. Noland to approve the acceptance of the GHSP award and authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded and unanimously approved.**

- **Motion by Ms. Noland to approve the acceptance of the Court Security Grant and authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded and unanimously approved.**

b. Vehicle Donation

- **Motion by Ms. Tabb to approve the 2010 Ford Explorer (VIN #5546) donation to Bakerton Fire Department. Motion seconded and unanimously approved.**

c. Bolivar Agreement

- **Motion by Ms. Tabb to accept the modified intergovernmental agreement with the Town of Bolivar as presented and authorize the President of the Commission to affix her signature to the agreement. Motion seconded and unanimously approved.**

3. Eric Anderson, Executive Director, American Red Cross of the Greater Shenandoah Valley – requested the continuation of utilizing Wiltshire Road property for Red Cross disaster resources.

- **Motion by Ms. Tabb to allow the American Red Cross of the Greater Shenandoah Valley to maintain its emergency response presence in Jefferson County by permitting the continued Red Cross use of the Wiltshire Road exterior location, for the purpose of keeping the Red Cross convex trailer, disaster storage shed and Red Cross response vehicle on site. Motion seconded and unanimously approved.**

4. Chad Wallen, GORDON Associates – Sheetz Zoning Map Amendment – request for a public hearing and referral to Planning Commission to review zoning amendment request for the 5.4 acre property identified in Shepherdstown District (9), Map Number 8, Parcel 13, 15.2 and portions of 10.2 and 14.

- **Motion by Mr. Compton to accept the zoning map amendment request, refer to the Planning Commission for review of Comprehensive Plan consistency and to schedule a public hearing before the County Commission on Thursday, December 3, 2020. Motion seconded and passes on a vote of 4-1 with Commissioner Lorenzetti opposing.**

5. Interviews and Appointments to the Jefferson County Board of Zoning Appeals – one BZA alternate position expiring January 1, 2021, January 1, 2022, or January 1, 2023.
  - **Motion by Ms. Tabb to appoint Mikayla Shremshock to the Jefferson County Board of Zoning Appeals as an alternate for a three-year term ending January 1, 2023. Motion seconded and unanimously approved.**
6. Jennifer Myers and David Hill, Jefferson County Parks and Recreation – provided the Commission and the audience with an update on JCPRC financial status due to COVID-19.
  - **Motion by Mr. Compton to approve the JCPRC request for \$80,000 to overcome the COVID impacts of 2019 and the current fiscal period of the 2020 year. Motion seconded.**
  - **Motion by Ms. Noland to table further discussion/action on this item until the November 3, 2020 Regularly Scheduled County Commission meeting. Motion seconded and passes on a vote of 3-2 with Commissioners Compton and Hudson opposing.**
7. Roger Goodwin and Todd Fagan, Department of Planning and Zoning – requested the approval of State Records Management and Preservation Board Grant Application.
  - **Motion by Ms. Noland to approve the RMPB grant application in the amount of \$14,090 and pass the associated Resolution of Support. Motion seconded and unanimously approved.**
8. Alex Beaulieu, Zoning Administrator
  - a. Request total refund of zoning variance fee for Nicholas Derrick
    - **Motion by Ms. Tabb to approve a full refund of a variance fee for \$100.00 for Nicholas Derrick as presented. Motion seconded and unanimously approved.**
  - b. Recommendation from the Planning Commission regarding the proposed text amendment to the Zoning Ordinance regarding Drive Through Restaurants (ZTA20-02), and to request that the County Commission Schedule a public hearing. The draft amendment proposes to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment proposes revisions to Article 5 District
    - **Motion by Ms. Tabb to schedule a public hearing on December 3, 2020 at to receive input on the draft text amendment to the Jefferson County Zoning**

**Ordinance, File #ZTA20-02, which proposes to allow Drive-Through Restaurants to process by right in the Residential-Light Commercial zoning district. Motion seconded and passes on a vote of 4-1 with Mr. Lorenzetti opposing.**

- c. Regulations; Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C Principal Permitted and Conditional Uses Table Recommendation from the Planning Commission regarding the proposed text amendment to the Zoning Ordinance regarding Commercial Cemeteries (File #ZTA20-01), and to request that the County Commission schedule a Public Hearing in accordance with WV Code 8A. The draft amendment proposes to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use (by right) in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C Principal Permitted and Conditional Uses Table.
- **Motion by Ms. Noland to schedule a public hearing on December 3, 2020 to receive input on the draft text amendment to the Jefferson County Zoning Ordinance, File #ZTA20-01, which proposes to create provisions to allow Commercial Cemeteries to process in Jefferson County. Motion seconded and passes on a vote of 4-1 with Mr. Lorenzetti opposing.**

9. Nathan Cochran, Assistant Prosecuting Attorney

- Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
- Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
- Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
- Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
- Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1). Discussion/Action.
- Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
- Discussion of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.

- Discussion of Jefferson County Circuit Court Civil Action #20-C-20. Discussion/Action.
- Discussion of legal issues regarding proposed solar text amendment including bonding and related matters – Discussion/Action
- Discussion of legal issues regarding proposed solar text amendment including bonding and related matters – Discussion/Action
- Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket no. PCRNPS-04-20 – Discussion/Action
- Review and amendment to policing agreement with Bolivar – Discussion/Action
- **Motion by Ms. Noland to enter into Executive Session to receive legal advice regarding the Department of Interior inquiry of Historic Landmarks Commission activity for docket no. PCRNPS-04-20 and amendments made to Article 147 by the City of Charles Town. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to adjourn from Executive Session and resume regular session. Motion seconded and unanimously approved.**

#### **COUNTY ADMINISTRATOR REPORTS**

- Revision of Policies 204 and 217 – Ms. Grove stated she would present these items at the November 5, 2020 regularly scheduled County Commission meeting.
- Parks and Recreation Building Permits – Ms. Grove stated Parks and Recreation were to begin the construction process on two new projects and needed approval from the Commission since they were the owners of the land.
  - **Motion by Ms. Tabb to approve the request for the Parks and Recreation building permits as presented. Motion seconded and unanimously approved.**

10. The Commission adjourned at 12:36 p.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

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Jane M. Tabb, PRESIDENT

Respectfully submitted  
Jessica Carroll  
Executive Administrative Assistant