

## **Minutes**

### **Jefferson County Commission**

**Thursday, October 1, 2020**

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A meeting of the Jefferson County Commission was held on Thursday, October 1, 2020 during the fourth 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 and Sandy McDonald, Deputy County Administrator (The archived meeting of the Thursday, October 1, 2020 meeting is available on the Jefferson County Commission website.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Compton led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

**Motion by Commissioner Noland to approve the September 3, 2020 Regular Meeting Minutes as presented/with noted corrections. Motion seconded and unanimously approved.**

**Motion by Commissioner Noland to approve the September 11, 2020 Public Hearing and Special Session Minutes as presented/with noted corrections. Motion seconded and unanimously approved.**

**Motion by Commissioner Compton to approve the September 17, 2020 Regular Meeting Minutes as presented/with noted corrections. Motion seconded and unanimously approved.**

#### **APPROVAL OF REQUISITIONS**

**Motion by Commissioner Compton to approve the Requisitions for October 1, 2020 as presented in the amount of \$15,139.38 to include Requisition Nos. 21006, 21007, and 21008.**

**APPROVAL OF ACCOUNTS PAYABLE**

CHECK#		VENDOR NAME		AMOUNT
83792		84 LUMBER		122.76
83793		AT&T		202.74
83794		ATLANTIC OCCUPSYCH, INC.		1,200.00
83795		CAPITAL LIGHTING & SUPPLIES LLC		217.15
83796		CRYSTAL SPRING		561.54
83797		DR. ROBERT E JONES III		1,000.00
83798		FIDELITY POWER SYSTEMS		1,749.00
83799		J.C. EHRLICH		744.00
83800		JOSEPH MOFFETT		1,726.58
83801		KONE INC.		312.60
83802		LANGUAGE LINE SERVICES		131.77
83803		NICOLE NOBREGA		2,322.98
83804		RICE TIRES CO		935.48
83805		SHERWIN-WILLIAMS		266.53
83806		STACI HOVERMALE		3,250.00
83807		SHERIFF OF JEFFERSON CO		5,000.00
83808		WVCORP WV COUNTIES SELF INSURANCE RISK POOL		193,784.25
<b>TOTAL</b>				<b>213,527.38</b>

**Motion by Commissioner Noland to approve the Accounts Payable for September 24, 2020 in the amount of \$ 213,527.38. Motion seconded and unanimously approved.**

**There were no Manual Checks for September 25, 2020 to approve.**

CHECK#		VENDOR NAME		AMOUNT
83810		ADAM WARD		\$ 11.00
83811		AHA-ARTS & HUMANITIES ALLIANCE		\$ 1,304.32
83812		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		\$ 3,091.26
83813		BOLIVAR / HARPERS FERRY PUBLIC LIBRARY		\$ 20,625.00
83814		BUREAU OF CHILD SUPPORT		\$ 248.31
83815		CACH LLC		\$ 276.76
83816		COLONIAL LIFE		\$ 163.20
83817		CROCK-HAMRICK REPORTING SERVICES LLC		\$ 321.00
83818		DELTA DENTAL OF WV		\$ 6,687.90

83819		EFTPS IRS TAXES	\$	95,547.78
83820		EMPOWER RETIREMENT	\$	5,143.12
83821		GUTTMAN OIL CO	\$	2,464.62
83822		HIGHMARK WV	\$	201,787.73
83823		INVESTIGATIVE SPECIALTY SERVICES LLC	\$	550.00
83824		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	\$	1,931.37
83825		JEFFERSON CO EMERGENCY SERVICES AGENCY	\$	655,711.75
83826		JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$	32,608.01
83827		JEFFERSON COUNTY DEVELOPMENT AUTHORITY	\$	26,500.00
83828		JEFF CO PARKS & RECREATION COMMISSION	\$	96,567.31
83829		JEFFERSON DAY REPORT CENTER	\$	37,502.50
83830		JEFFERSON SECURITY BANK	\$	4,839.00
83831		MILLENIUM INSURANCE GROUP	\$	900.00
83832		MILLER'S SUPPLIES AT WORK	\$	19.52
83833		NATIONAL VISION ADMIN.	\$	1,770.60
83834		NATIONWIDE RETIREMENT SOLUTIONS	\$	849.00
83835		OLD CHARLES TOWN LIBRARY	\$	20,625.00
83836		SHEPHERDSTOWN PUB LIBRARY	\$	20,625.00
83837		SOUTH JEFFERSON PUBLIC LIBRARY	\$	20,625.00
83838		TONI L MILBOURNE	\$	650.00
83839		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$	14,883.18
83840		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	46,353.35
83841		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	166.49
83842		WV TAX DEPUTIES ASSOCIATION	\$	30.00
83843		WVU WEST VIRGINIA UNIVERSITY	\$	3,700.00
83844		TYLER TECH	\$	652.00
83845		CITIZEN VOLUNTEER FIRE	\$	2,543.27
83846		INDEPENDENT FIRE CO	\$	7,013.10
83847		SHEPHERDSTOWN FIRE CO	\$	5,000.00
<b>TOTAL</b>				<b>\$ 1,340,287.45</b>

**Motion by Commissioner Compton to approve the Accounts Payable for October 1, 2020 in the amount of \$1,340,287.45. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount

512	CS/2	EPTA - EASTERN PANHANDLE TRANSIT AUTH.		\$ 3,583.50
513	CS/2	JEFF CO COMMUNITY MINISTRIES		\$ 3,000.00
831	AV/56	PRINT-O-STAT		\$ 190.00
<b>TOTAL</b>				<b>\$ 6,773.50</b>

**Motion by Commissioner Noland to approve the Manual Checks for October 2, 2020 in the amount of \$6,773.50. Motion seconded and unanimously approved.**

**PAYROLL APPROVAL**

**Motion by Commissioner Noland to approve the Payroll for September 17, 2020 in the amount of \$270,378.24. Motion seconded and unanimously approved.**

**PUBLIC COMMENT**

Public comment was received by Tim Ross, Catherine Jozwick and Christine Wimer.

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
Financial Services Vehicle Trust	PP	HF	307617	\$334.57

- **Motion by Commissioner Compton to approve the Exoneration for Ticket No. 307617 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Leah Petersen	PP	KD	310941	\$98.68

- **Motion by Commissioner Noland to approve the Exoneration for Ticket No. 310941 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Shari and Victor Jones	PP	CTD	302626	\$188.91

- **Motion by Commissioner Compton to approve the Exoneration for Ticket No. 302626 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Timothy and Roxanne Rickard	PP	MD	313263	\$279.95

- **Motion by Commissioner Noland to approve the Exoneration for Ticket No. 313263 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Lyn Noordam	PP	SD	317048	\$22.76

- **Motion by Commissioner Tabb to approve the Exoneration for Ticket No. 317048 as presented. Motion seconded and unanimously approved.**

2. Pete Dougherty, Sheriff – requested the approval of a deputy hire.

- Motion by Commissioner Noland to approve the hire of Joshua Weaver to the position of Deputy Sheriff at a starting salary of \$46,833. Motion seconded and unanimously approved.
3. Stacy Horst, Breast Cancer Awareness – Cumberland Valley – requested the approval of a Proclamation declaring October as Breast Cancer Awareness Month in Jefferson County.
    - Motion by Commissioner Lorenzetti to approve the Proclamation declaring October as Breast Cancer Awareness Month in Jefferson County. Motion seconded and unanimously approved.
  4. Michelle Gordon, Finance Director – presented an Ambulance Fee Appeal submitted by Tim Ross, Invoice number 2134487.
    - Motion by Commissioner Lorenzetti to grant a one year exoneration for the FY21 ambulance fee appeal for Tim Ross, invoice number 2134487 in the amount of \$50.00 as presented by Ms. Gordon and to be exempt from back billing. Motion failed by a 3-2 vote. Commissioners Tabb, Noland, and Hudson voted no.
  5. Roger Goodwin, Chief County Engineer – requested the approval of the following bond releases:
    - a. Complete Bond Release of Performance Bond No. 018039136 with the Ohio Casualty Insurance Company, Charlotte, NC bond security for Primax Construction, Inc. – Advance Auto Parts (File #S15-03)
      - Motion by Commissioner Noland to authorize a complete release of Performance Bond No. 018039136 with the Ohio Casualty Insurance Company, Charlotte, NC in the amount of \$345,226.00 construction amount for Primax Construction, Inc. – Advance Auto Parts (Files #S15-03). Motion seconded and unanimously approved.
    - b. Complete release of Performance Bond No. 0763071 with International Fidelity Insurance Company, Newark, NJ construction bond security for Magnolia WV, LLC – Magnolia Springs Subdivision, Phase I (File #18-05). The bond is being re-secured by D.R. Horton, Inc. for the full amount with Lexon Insurance Company, Mt. Juliet, TN.
      - Motion by Commissioner Tabb to authorize a complete release of Performance Bond No. 0763071 with International Fidelity Insurance Company, Newark, NJ in the amount of \$4,464,221.00 construction bond amount for Magnolia WV, LLC – Magnolia Springs Subdivision, Phase I (File #18-05). Motion seconded and unanimously approved.

6. 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
- o Mr. Cochran stated that he had no new updates to provide at this time regarding the matters listed above.

**NEW BUSINESS**

7. Continuation of the discussion of Article 147 – changed made by Charles Town City Council.

- **Motion by Commissioner Compton to hire Will Rohrbaugh, Esq. to review the changes to Article 147 made by the Charles Town City Council and to report back to the Jefferson County Commission. Motion seconded and unanimously approved.**

8. Acknowledgement of the Assessor's Certificate of Compliance.

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

9. CEOS – West Virginia Breast Cancer Awareness Proclamation.

- **Motion by Commissioner Tabb to approve the Proclamation declaring October as Breast Cancer Awareness Month in Jefferson County as Presented by the CEOS. Motion seconded and unanimously approved.**

10. Decision – Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway commercial, Light Industrial, Major Industrial, Rural Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposed revisions to Article 2, Definitions; Article 8, Supplement Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C, Principal Permitted and Conditional Uses Table.

- **Motion by Commissioner Hudson to approve File ZTA-19-03 as presented. Motion passed by a 3-2 vote. Commissioners Tabb and Lorenzetti voted no.**
- **Motion by Commissioner Noland to amend the motion to include an increase on the setback requirements regarding File ZTA-19-03. Motion seconded and unanimously approved.**
- **Motion by Commissioner Lorenzetti to approve the Stormwater Management Text Amendments as presented. Motion seconded and unanimously approved.**
- **Motion by Commissioner Noland to approve the date for the Solar Energy Text Amendments to be effective in 45 days – November 16, 2020. Motion passed by a 3-2 vote. Commissioners Tabb and Lorenzetti voted no.**

## COUNTY ADMINISTRATOR REPORTS

Discuss request for funding: COVID-19 Pandemic Block Grant \$100,000.

- **Motion by Commissioner Tabb to approve the request received from the JCCOA in the amount of \$2,546.52 from the COVID-19 Pandemic Block Grant and to reimburse the JCCOA after the purchase is made and receipts are turned in. Motion seconded and unanimously approved.**

Discuss Halloween – Trick or Treat.

- **By consensus, the Commission agreed to take no action on the Halloween – Trick or Treat decision and to refer this matter to the Jefferson County Health Department.**

Discuss Ambulance Fee Collection.

- **Motion by Commissioner Noland to hire a temporary employee to help with the Ambulance Fee Collections. Motion seconded and unanimously approved.**

## COUNTY COMMISSION REPORTS

Please refer to the archived meetings on the [jeffersoncountywv.org](http://jeffersoncountywv.org) website to listen to County Commission reports.

11. The Commission adjourned at 1:02 p.m. on a motion by Commissioner Noland. Motion was seconded and unanimously approved.

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Jane M. Tabb, PRESIDENT

Respectfully submitted  
Sandy S. McDonald  
Deputy County Administrator