

Minutes

Jefferson County Commission

Thursday, December 17, 2020

A meeting of the Jefferson County Commission was held on Thursday, December 17, 2020 during the fourth quarterly session at 6:00 p.m. The meeting was held via GoToWebinar. Present were Commissioners Jane Tabb, President, Ralph Lorenzetti, Vice President, Caleb Hudson, Josh Compton and Patricia Noland. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, December 17, 2020 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Lorenzetti led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the November 9, 2020 General Election Canvass Minutes as presented. Motion seconded and unanimously approved with Commissioner Lorenzetti abstaining.

Motion by Ms. Noland to approve the November 10, 2020 General Election Canvass Minutes as presented with Commissioners Lorenzetti and Compton abstaining. Motion seconded and unanimously approved.

Motion by Mr. Compton to approve the December 3, 2020 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the December 10, 2020 Special Session Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Ms. Noland to approve the Requisitions for December 17, 2020 in the amount of \$53,083.02 to include Requisition Nos. 21015, 21023, and 21025. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

| CHECK# | | VENDOR NAME | | AMOUNT |
|--------|--|---------------------------------|--|--------------|
| 84093 | | AMANDA JOHNSON | | \$ 74.76 |
| 84094 | | AMERIFLEX | | \$ 128.00 |
| 84095 | | AT&T | | \$ 165.75 |
| 84096 | | BOLAND TRANE SERVICES INC | | \$ 1,771.00 |
| 84097 | | BUREAU OF CHILD SUPPORT | | \$ 248.31 |
| 84098 | | CACH LLC | | \$ 276.76 |
| 84099 | | CAPITAL ELECTRIC | | \$ 97.02 |
| 84100 | | CASTO & HARRIS INC | | \$ 19,177.65 |
| 84101 | | COMPILED TECHNOLOGIES LLC | | \$ 20,360.00 |
| 84102 | | CREAMERS WRECKER SERVICE | | \$ 140.00 |
| 84103 | | CRYSTAL SPRING | | \$ 2.78 |
| 84104 | | DESIGN NINE INC | | \$ 20,178.70 |
| 84105 | | DISTRICT COURT OF MARYLAND | | \$ 7.00 |
| 84106 | | DISTRICT COURT OF MARYLAND | | \$ 8.50 |
| 84107 | | DODSON SEPTIC SERVICE LLC | | \$ 285.00 |
| 84108 | | EFTPS IRS TAXES | | \$ 98,739.96 |
| 84109 | | EMPOWER RETIREMENT | | \$ 5,308.36 |
| 84110 | | ESS ELECTION SYSTEMS & SOFTWARE | | \$ 4,675.00 |
| 84111 | | FEDEX | | \$ 114.66 |
| 84112 | | FIDELITY POWER SYSTEMS | | \$ 436.25 |
| 84113 | | FIFTH THIRD BANK | | \$ 50,496.47 |
| 84114 | | GREG JONES | | \$ 42.74 |
| 84115 | | GUTTMAN OIL CO | | \$ 3,081.07 |
| 84116 | | JEFFERSON SECURITY BANK | | \$ 4,634.00 |
| 84117 | | JEFFERSON CO SCHOOLS | | \$ 1,080.00 |
| 84118 | | MARY K. HURLEY | | \$ 65.00 |
| 84119 | | MICROMAIN CORPORATION | | \$ 995.00 |
| 84120 | | NATIONAL VISION ADMIN. | | \$ 1,804.97 |
| 84121 | | NATIONWIDE RETIREMENT SOLUTIONS | | \$ 849.00 |
| 84122 | | R.E. MICHEL CO. LLC | | \$ 1,035.44 |
| 84123 | | SHERIFF OF JEFFERSON COUNTY | | \$ 23.08 |
| 84124 | | STATE TAX DEPARTMENT | | \$ 820.33 |

| | | | | |
|-------|--------|---|--|---------------|
| 84125 | | THE HARTFORD | | \$ 2,355.85 |
| 84126 | | THE HARTFORD | | \$ 3,501.36 |
| 84127 | | WHOLESALE TIRES INC. | | \$ 96.58 |
| 84128 | | WV DEPUTY SHERIFF RETIREMENT SYSTEM | | \$ 16,412.36 |
| 84129 | | WV DIVISION OF LABOR | | \$ 90.00 |
| 84130 | | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM | | \$ 44,920.37 |
| 84131 | | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM | | \$ 166.49 |
| 84132 | | WV REGIONAL JAIL & CORRECTION FACILITY AUTH | | \$ 60,650.25 |
| 84133 | | XEROX CORPORATION | | \$ 1,031.39 |
| 84134 | | XEROX FINANCIAL SERVICES | | \$ 499.62 |
| 84135 | SG/010 | JEFFERSON DAY REPORT | | \$ 42,073.30 |
| 84136 | GS/004 | GENERAL CO FUND/004 | | \$ 9,737.00 |
| 84137 | GS/004 | WV STATE AUDITOR | | \$ 16,480.00 |
| | | | | |
| TOTAL | | | | \$ 435,137.13 |

Motion by Mr. Compton to approve the Accounts Payable for December 10, 2020 in the amount of \$435,137.13. Motion seconded and unanimously approved.

| CHECK# | | VENDOR NAME | | AMOUNT |
|--------|--|--------------------------|--|--------------|
| 84139 | | AMANDA MASTERS | | \$ 262.20 |
| 84140 | | CRYSTAL SPRING | | \$ 4.53 |
| 84141 | | DOING BETTER BUSINES | | \$ 1,177.46 |
| 84142 | | FEDEX | | \$ 22.30 |
| 84143 | | FRANKLIN & PROKOPIK P.C. | | \$ 3,060.00 |
| 84144 | | GAIL MCMILLION | | \$ 42.39 |
| 84145 | | HIGHMARK WV | | \$ 3,922.48 |
| 84146 | | JANE JONES | | \$ 1,410.29 |
| 84147 | | JOSEPH KENT | | \$ 2,820.27 |
| 84148 | | KATHRYN KING | | \$ 879.36 |
| 84149 | | LECTOR DENISE RIDEOUTT | | \$ 3,083.63 |
| 84150 | | MILLERS SUPPLIES AT WORK | | \$ 46.62 |
| 84151 | | MYRON GREGORY | | \$ 2,645.50 |
| 84152 | | POTOMAC EDISON | | \$ 27,120.72 |
| 84153 | | RICE TIRES CO | | \$ 1,064.56 |
| 84154 | | TERRY PALMER | | \$ 1,775.89 |
| 84155 | | WHOLESALE TIRES INC. | | \$ 96.58 |
| | | | | |

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|-------|--|--|--------------|
| TOTAL | | | \$ 49,434.78 |
|-------|--|--|--------------|

Motion by Ms. Tabb to approve the Accounts Payable for December 17, 2020 in the amount of \$49,434.78. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

| CHECK# | | VENDOR NAME | | AMOUNT |
|--------|--------|-----------------------------|--|---------------|
| 716 | HD/8 | ATTENTI US INC | | \$ 3,155.20 |
| 717 | HD/8 | FIFTH THIRD BANK | | \$ 57.60 |
| 845 | AV/56 | FIFTH THIRD BANK | | \$ 258.35 |
| 846 | AV/56 | JUSTTECH INC | | \$ 162.73 |
| 332 | FP/57 | JEFFERSON CO FARMLAND PROT. | | \$ 91,674.32 |
| 1751 | CO/246 | FIFTH THIRD BANK | | \$ 44,794.28 |
| TOTAL | | | | \$ 140,102.48 |

Motion by Mr. Compton to approve the Manual Checks for December 11, 2020 in the amount of \$140,102.48. Motion seconded and unanimously approved.

| MANUAL CHECKS | | | | |
|---------------|--------|------------------------------|--|---------------|
| Check# | Fund | VENDOR | | Amount |
| 847 | AV/56 | SEGRA | | \$ 625.24 |
| 1261 | IP/249 | SHERIFF JEFFERSON CO -SCHOOL | | 106,410.40 |
| 1262 | IP/249 | SHERIFF JEFFERSON CO - LAW | | 1,142.51 |
| 1263 | IP/249 | SHERIFF JEFFERSON CO - PARKS | | 7,934.57 |
| 1264 | IP/249 | SHERIFF JEFFERSON CO - EMS | | 860.51 |
| TOTAL | | | | \$ 116,973.23 |

Motion by Mr. Lorenzetti to approve the Manual Checks for December 18, 2020 in the amount of \$116,973.23. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Ms. Noland to approve the Payroll for December 10, 2020 in the amount of \$272, 611.68. Motion seconded and unanimously approved.

PRESENTATION OF RESOLUTIONS

Ms. Grove read Resolutions of Recognition for Commissioners Ralph Lorenzetti and Patsy Noland to thank them for their years of service working for the people of Jefferson County.

- **Motion by Ms. Tabb to approve the Resolution of Recognition for Ralph Lorenzetti as presented. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to approve the Resolution of Recognition for Patsy Noland as presented. 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. Peter Dougherty, Sheriff – requested approval of the PRO Grant Contract
 - **Motion by Mr. Compton to approve the PRO Public Resource Officer Grant Contract as presented by the Sheriff and authorize the President of the Commission to sign the associated documents. Motion seconded and unanimously approved.**
2. Matt Harvey, Prosecuting Attorney
 - a. Annual Leave Accrual Maximums
 - **Motion by Mr. Compton to approve the Prosecuting Attorney's Office employee accrual of more than 240 vacation hours through December 31, 2021 with the understanding that the Commission will not be paying over**

240 hours should the employee leave employment with County and any overages will be paid out of the Prosecutor's budget. Motion seconded and unanimously approved.

- b. Approval of the VOCA Grant
 - **Motion by Ms. Tabb to approve the VOCA Grant contract as presented and authorize the President of the Commission to sign the associated documents. Motion seconded and unanimously approved.**
3. Jacki Shadle, Clerk of the County Commission – requested the approval to advertise for a vacant position within the Clerk's Office.
 - **Motion by Mr. Compton to approve the advertisement of two vacant assistant clerk positions with the Clerk's Office. Motion seconded and unanimously approved.**
4. Laura Storm, Circuit Clerk – requested approval to fill a vacancy within the Circuit Clerk's Office.
 - **Motion by Ms. Noland to approve the transfer of Deanna Davis from the Clerk of the County Commission's Office to the Circuit Clerk's Office at a salary of \$37,000 with all benefits and accrued time transferring with her, effective January 4, 2021. Motion seconded and unanimously approved.**
5. Broadband Study Presentation
6. Michelle Gordon, Finance Director
 - a. Review and Approval of FY2021 State Budget Revision 2 for the General County Fund
 - **Motion by Ms. Noland to approve FY21 State Budget Revision 2 for the General County Fund as presented by Ms. Gordon. Motion seconded and unanimously approved.**

- b. FY21 COVID19 Emergency Financial Policy – it was the consensus of the Commission to extend the COVID19 Emergency Financial Policy until March 31, 2021, at which time it would be reassessed.
 - c. Review of the FY22 Budget Charge for Departments – the Commission requested Ms. Gordon present this information again during the January 7, 2021 regularly scheduled County Commission meeting.
 - d. Review of the FY21 Financials as of 11/30/2020 – the Commission requested Ms. Gorgon present this information again during the January 7, 2021 regularly scheduled County Commission meeting.
7. Roger Goodwin, Chief County Engineer – requested approval of the partial release of construction bond security for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15).
 - **Motion by Ms. Noland to authorize a partial release of Performance Bond #1000956765 with United States Surety Company in the amount of \$184,106.00 from the construction bond for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15). Motion seconded and unanimously approved.**
8. Stephen S. Allen, Director, Jefferson County Homeland Security and Emergency Management – requested the signature of the Integrated Public Alert and Warning Systems (IPAWS) Memorandum of Agreement
 - **Motion by Ms. Tabb to approve the signing of the Memorandum of Agreement between the Jefferson County Commission and FEMA authorizing the continued use of IPAWS. Motion seconded and unanimously approved.**
9. Elizabeth Wheeler, Director, Jefferson County Farmland Protection Board – requested the approval of purchase of one Agricultural Conservation Easement.
 - **Motion by Ms. Tabb to approve the purchase by the Jefferson County Farmland Protection Board for the Jefferson County Farmland Protection Program one conservation easement on the property in Jefferson County owned by T.L. Magaha and Sons, Inc. (Property LLL 3). Motion seconded and unanimously approved.**
10. 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 Department of Interior inquiry of Historic Landmarks Commission activity for docket no. PCRNPS-04-20 – Discussion/Action
- Discussion with Counsel regarding Charles Town Council changed to Article 147 – Discussion/Action
- Discussion of all aspects of case, issues, potential for resolution and use of outside counsel regarding Jefferson County Circuit Court Civil Action #20-C-125 and #s20-C-132-137 – Discussion/Action

Mr. Cochran provided updates on multiple items in open session.

NEW BUSINESS

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

- **Motion by Ms. Noland to approve the COVID-19 Pandemic Block Grant disbursement of \$22,280.00 for the Jefferson County Emergency Service Agency and \$11,778.93 to the Jefferson County Commission - Department of Internet Technology. Motion seconded and unanimously approved.**

12. Set date, time, and location for the first regular meeting of 2021

- **Motion by Mr. Compton to set January 7, 2021 at 9:30 am both on GoTo Webinar and in-person for the first meeting of 2021. Motion seconded and unanimously approved.**

13. Approval of Contract for Professional Services – Broadband Study Grant

- **Motion by Ms. Noland to approve the contract for all Professional Services for the Broad Band Study Grant and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded and unanimously approved.**

14. Decision – Proposed text amendment to the Zoning Ordinance regarding Drive Through Restaurants (ZTA20-02). 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 Regulations; Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C Principal Permitted and Conditional Uses Table

- **Motion by Ms. Noland to approve Zoning Text Amendment ZTA20-02 as presented. Motion seconded and passes on a vote of 4-1 with Commissioner Lorenzetti opposing.**

15. Decision – Proposed text amendment to the Zoning Ordinance regarding Commercial Cemeteries File #ZTA20-01). 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 Mr. Compton to approve Zoning Text Amendment ZTA20-01 as presented. Motion seconded but fails on a vote of 2-3 with Commissioner Tabb, Noland, and Lorenzetti opposing.**

16. Decision – Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 10.2, 13, 14 & 15.2. The properties are located at 7948 Martinsburg Pike, Shepherdstown, WV. The property owner is James Van Evera III, et al. The contract purchaser is Sheetz, Inc. The total combined acreage of all the parcels is 23.48 acres; however, 5.4 acres is subject to the request. The property is currently zoned Residential Growth and a petition has been made to the County Commission by the

property owner to change the zoning classification for 5.4 acres to Residential-Light Industrial-Commercial (Planning Commission File #20-1-Z)

- **Motion by Ms. Tabb to approve the Zoning Map Amendment (rezoning) request for Planning Commission File #20-1-Z as presented and find the amendment compatible with the Comprehensive Plan. Motion seconded and unanimously approved with Commission Lorenzetti abstaining.**

COUNTY ADMINISTRATOR REPORTS

- Discuss Civil and Non-Civil employees Annual Leave Accrual Maximums
 - **Motion by Ms. Noland to reconsider the motion passed on December 3, 2020 and approve the carryover of 300 hours leave accrual for deputies through December 31, 2020. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to extend the carryover of 300 hours leave accrual for the non-civil service deputy employee within the Sheriff's Department through December 31, 2020. Motion seconded and unanimously approved.**

17. The Commission adjourned at 9:47 p.m. on a motion by Mr. Compton. Motion was seconded and unanimously approved.

Jane M. Tabb, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant