

Minutes

Jefferson County Commission

Thursday, December 3, 2020

A meeting of the Jefferson County Commission was held on Thursday, December 3, 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; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, December 3, 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 Ms. Tabb to approve the November 5, 2020 Regular Meeting Minutes as with noted corrections. Motion seconded and unanimously approved.

Motion by Mr. Compton to approve the November 19, 2020 Regular Meeting Minutes with noted corrections. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the amendment to the minutes concerning the deputy vacation hour carry-over as presented by Ms. Grove. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Ms. Noland to approve the Requisitions for December 3, 2020 in the amount of \$44,784.66 to include Requisition Nos. 21019, 21020, 21021 and 21022. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#		VENDOR NAME		AMOUNT
84047		ANGELA LAWRENCE		\$ 104.00
84048		AT&T		\$ 163.76
84049		BUREAU OF CHILD SUPPORT		\$ 248.31
84050		CACH LLC		\$ 276.76
84051		CITY OF CHARLES TOWN		\$ 80.00
84052		CITY OF CHARLES TOWN		\$ 30.00
84053		COMPTROLLER OF MARYLAND		\$ 1,669.58
84054		CRYSTAL SPRING		\$ 9.56
84055		DELTA DENTAL OF WV		\$ 6,780.41
84056		EFTPS IRS TAXES		\$ 102,276.08
84057		EMPOWER RETIREMENT		\$ 5,307.27
84058		ESS ELECTION SYSTEMS & SOFTWARE		\$ 303.57
84059		FEDEX		\$ 249.01
84060		J.C. EHRlich		\$ 748.00
84061		JANE M TABB		\$ 3,250.00
84062		JEFFERSON SECURITY BANK		\$ 4,674.00
84063		LANGUAGE LINE SERVICES		\$ 289.06
84064		MILLENIUM INSURANCE GROUP		\$ 900.00
84065		MILLERS SUPPLIES AT WORK		\$ 262.80
84066		NATIONWIDE RETIREMENT SOLUTIONS		\$ 849.00
84067		SHAUN PACETTI		\$ 61.00
84068		TEK ADVISORS LLC		\$ 4,200.00
84069		VICTOR C LUPIS III		\$ 3,250.00
84070		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 15,950.94
84071		WV DIVISION OF LABOR		\$ 90.00
84072		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 47,995.00
84073		WV STATE TAX DEPARTMENT		\$ 35,413.97
84074	AM/053	AXION		\$ 529.82
84075	FC/058	SHERIFF OF JEFFERSON CO		\$ 200,000.00
				\$ 435,961.90

Motion by Mr. Compton to approve the Accounts Payable for November 26, 2020 in the amount of \$435,961.90. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
84076		AHA-ARTS & HUMANITIES ALLIANCE		823.42
84077		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		3,091.26
84078		COLONIAL LIFE		163.20
84079		DARYLL WIMER		16.45
84080		DR. ROBERT E JONES III		1,000.00
84081		ED HANNON		11.32
84082		GUTTMAN OIL CO		4,278.21
84083		INFORMER SYSTEMS LLC		143.00
84084		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		1,219.28
84085		JEFFERSON CO CONVENTION AND VISITORS BUREAU		20,585.60
84086		JEFF CO PARKS & RECREATION COMMISSION		18,542.89
84087		OLD CHARLES TOWN LIBRARY		1,500.00
84088		RICE TIRES CO		1,729.56
84089		ROBERT L PETERSON SR		1.89
84090		RONALD DANTZIC		36.56
84091		WV DIVISION OF LABOR		90.00
TOTAL				53,232.64

Motion by Mr. Lorenzetti to approve the Accounts Payable for December 3, 2020 in the amount of \$53,232.64. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
518	CS/2	EASTRIDGE HEALTH SYSTEM		\$ 1,400.00

Motion by Mr. Compton to approve the Manual Checks for November 24, 2020 in the amount of \$1,400.00. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
715	HD/8	ENVIVO HEALTH LLC		\$ 80.00
844	AV/56	PRINT-O-STAT		\$ 190.00

TOTAL					270.00
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Motion by Ms. Noland to approve the Manual Checks for December 4, 2020 in the amount of \$270.00. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Mr. Compton to approve the Payroll for November 25, 2020 in the amount of \$279,275.32. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public Comment was received by the following: Effie Kallas.

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

PRESENTATIONS

1. Peter Dougherty, Sheriff – requested a part-time bailiff budget adjustment.
 - **Motion by Ms. Noland to approve the increase of \$30,000 to the part-time bailiff line item. Motion seconded and unanimously approved.**

2. Lynn Fields, Probate – requested the acceptance and approval of the final paperwork on the estates of Geraldine Bolyard, deceased and Gary Lee Taulton, deceased, and approve both estates to be closed.
 - **Motion by Ms. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to acceptance and approve the final paperwork for the estates of Geraldine Bolyard, deceased, and Gary Lee Taulton, deceased, and approve both estates to be closed.**
 - **Motion by Ms. Noland to reconvene in regular session. Motion seconded and unanimously approved.**

3. Kelly Franklin, Director, Jefferson County Day Report Center – follow up from the Case Management Support Request Presented in October 2020 – no action was taken on this item.
4. Interview and Appointment to the Jefferson County Emergency Services Agency – one three-year term ending June 30, 2023 – no action was taken on this item and two citizen representative vacancies remain on the JCESA Board.
5. Annette Gavin Bates, Director, Jefferson County Convention and Visitor’s Bureau – presented the CVB Annual Report and requested the Jefferson County Commission to waive maintenance costs associated with Jefferson County WV Welcome Center.
 - **Motion by Ms. Noland to waive the materials and labor costs associated with the completion of the Jefferson County WV Welcome Center in the amount of \$53,860.68. Motion seconded and passes on a vote of 3-2 with Commissioners Lorenzetti and Tabb opposing.**
6. Laura Kuhn, Interim Director, Jefferson County Maintenance Department – requested permission to begin the advertising and application process to fill an upcoming vacancy of a custodial position within the Maintenance Department.
 - **Motion by Ms. Tabb to approve the hire of a custodial position within the Maintenance Department at a Grade II, starting salary of \$31,500, when the position becomes vacant and to begin the advertising and application process immediately. Motion seconded and unanimously approved.**
7. Dennis Jarvis, Director, Jefferson County Development Authority – requested the approval of Resolution of Participation and Cooperation for Local Economic Development Grant Program
 - **Motion by Ms. Tabb to approve the Resolution of Participation and Cooperation for the JCDA’s application for the Local Economic Development (LED) Grant of \$22,727 from the West Virginia Development Office. Motion seconded and unanimously approved.**
8. Roger Goodwin, Chief County Engineer and Michelle Mason, Impact Fee Specialist – Impact Fees 2020 Recalculation Study – Presentation of Results
 - **Motion by Ms. Tabb to schedule a public hearing on the Impact Fee Study at a date and time to be determined in January 2021. Motion seconded and unanimously approved.**

- **Motion by Ms. Tabb to recess until 1:30 pm. Motion seconded and unanimously approved.**

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
 - Discussion with counsel regarding Charles Town City Council changes 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
- **Motion by Ms. Noland to enter into Executive Session to receive legal advice regarding the following: 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 legal issues regarding proposed solar text amendment including bonding and related matters; discussion with counsel regarding Charles Town City Council changes to Article 147; and 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. Motion seconded and unanimously approved.

- **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to approve Mr. Rohrbaugh to proceed as directed in Executive Session re: Jefferson County Circuit Court Civil Action #20-C-125 and #20-C-132-137. Motion seconded and unanimously approved.**

10. Public Hearing – 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.

- Ms. Tabb opened the public hearing at 1:32 pm. Ms. Beaulieu, Zoning Administrator, provided the Commission and the audience with an overview of the amendment, and Ms. Tabb opened the floor for public comment. Public comment was received by Christine Balmert Marshall. There being no further public comment, Ms. Tabb stated the record would remain open for two weeks to allow time for written comment.

11. Public Hearing - 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.

- Ms. Tabb opened the public hearing at 1:45 pm. Ms. Beaulieu, Zoning Administrator, provided the Commission and the audience with an overview of the amendment, and Ms. Tabb opened the floor for public comment. No public comment was received. Ms. Tabb then closed the floor for public comment and stated the record would remain open for two weeks to allow time for written comment.

12. Public Hearing – Sheetz Zoning Map Amendment (rezoning): 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.

- Chad Wallen, Gordon Associates, provided the Commission and the audience with a description of the zoning map amendment. Ms. Tabb then opened the floor for public comment which was received by the following: Christine Balmert Marshall and Anastaysa Tabb. There being no further public comment, Ms. Tabb stated the record would be open for two weeks to allow time for written comment.

UNFINISHED BUSINESS

13. Request to start the process to advertise for the position of JCDA Administrative Assistant.
 - **Motion by Ms. Noland to allow the JCDA Director to advertise for the position of administrative assistant. Motion seconded and passes on a vote of 3-2 with Commissioners Compton and Lorenzetti opposing.**

NEW BUSINESS

14. Certification of the 2020 General Election Results for Federal and State elections
 - **Motion by Ms. Tabb to approve the 2020 General Election Results for the Federal and State elections as presented. Motion seconded and unanimously approved.**
15. Approval of 2021 Holiday Scheduled
 - **Motion by Ms. Noland to approve the 2021 Holiday Schedule as presented. Motion seconded and unanimously approved.**

FINANCE DIRECTOR REPORTS

- Highmark One-Time Premium Credit Issued – Discuss options for the employee portion of the premium credit
- **Motion by Ms. Noland to approve the acceptance of the December 2020 health insurance premium holiday for all county employees. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

- COVID Quarantine and Return to Work Policy – Ms. Grove presented the Remote Work from Home Policy and the COVID Quarantine and Return to Work Policy. The Commissioners provided unanimous consent to accept the policies as presented.
- Remote Work from Home Policy
- **Motion by Ms. Tabb to approve the Remote Work from Home Policy as presented. Motion seconded and unanimously approved.**

16. The Commission adjourned at 4:08 p.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

Jane M. Tabb, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant