

## Minutes

### Jefferson County Commission

Thursday, January 7, 2021

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A meeting of the Jefferson County Commission was held on Thursday, January 7, 2021 during the first quarterly session at 9:30 a.m. The meeting was held both in person and via GoToWebinar. Present were Commissioners Jane Tabb, President, Caleb Hudson, Josh Compton, Steve Stolipher and Tricia Jackson. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, January 7, 2021 meeting is available on the Jefferson County Commission website.)

#### PLEDGE OF ALLEGIANCE

Commissioner Compton led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

**Motion by Mr. Compton to approve the December 17, 2020 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.**

#### APPROVAL OF REQUISITIONS

**Motion by Mr. Hudson to approve the Requisitions for January 7, 2021 in the amount of \$38,760.00 to include Requisition Nos. 21026 and 21027. Motion seconded and unanimously approved.**

#### APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
84157	BOLAND TRANE SERVICES INC	632.40
84158	BUREAU OF CHILD SUPPORT	248.31
84159	CACH LLC	283.32

84160		COMPTROLLER OF MARYLAND		1,756.38
84161		EFTPS IRS TAXES		104,023.98
84162		EMPOWER RETIREMENT		5,307.82
84163		ESS ELECTION SYSTEMS & SOFTWARE		2,266.54
84164		FIDELITY POWER SYSTEMS		1,152.00
84165		GUTTMAN OIL CO		3,911.02
84166		J.C. EHRLICH		748.00
84167		JEFFERSON SECURITY BANK		4,674.00
84168		MILLENIUUM INSURANCE GROUP		900.00
84169		NATIONWIDE RETIREMENT SOLUTIONS		849.00
84170		REBECCA F BURNS		3,250.00
84171		SOFTWARE SYSTEMS INC		3,074.62
84172		STATE TAX DEPARTMENT		963.03
84173		STORAGE NETWORKS		5,870.00
84174		TRACY P HERRON-RICE		173.75
84175		US POSTAL SERVICE		20,000.00
84176		VA DEPT OF TAXATION		945.50
84177		WV DEPUTY SHERIFF RETIREMENT SYSTEM		18,889.60
84178		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		45,824.70
84179		WV STATE TAX DEPARTMENT		35,728.78
<b>TOTAL</b>				<b>261,472.75</b>

**Motion by Mr. Stolipher to approve the Accounts Payable for December 22, 2020 in the amount of \$261,472.75. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
84180		AHA-ARTS & HUMANITIES ALLIANCE		\$ 506.36
84181		CITIZENS VOLUNTEER FIRE COMPANY		\$ 82,500.00
84182		DR. ROBERT E JONES III		\$ 1,000.00
84183		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		\$ 749.79
84184		JEFFERSON CO CONVENTION AND VISITORS BUREAU		\$ 12,659.04
84185		JEFF CO PARKS & RECREATION COMMISSION		\$ 11,402.88
84186		MAZZITTI & SULLIVAN EAP		\$ 936.00
84187		RETIREE HEALTH BENEFIT TRUST		\$ 8,086.00
84188		TEK ADVISORS LLC		\$ 4,200.00

84189		WVCORP WV COUNTIES SELF INSURANCE RISK POOL		\$ 31,323.25
84190		JEFF CO EMS		\$ 268,000.00
<b>TOTAL</b>				<b>\$ 421,363.32</b>

**Motion by Mr. Compton to approve the Accounts Payable for December 29, 2020 in the amount of \$421,363.32. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
84192		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		\$ 3,077.94
84193		BOLIVAR / HARPERS FERRY PUBLIC LIBRARY		\$ 20,625.00
84194		BUREAU OF CHILD SUPPORT		\$ 248.31
84195		CACH LLC		\$ 282.14
84196		DELTA DENTAL OF WV		\$ 6,617.55
84197		EFTPS IRS TAXES		\$ 100,094.04
84198		EMPOWER RETIREMENT		\$ 5,322.32
84199		JEFFERSON CO EMERGENCY SERVICES AGENCY		\$ 655,711.75
84200		JEFFERSON CO CONVENTION AND VISITORS BUREAU		\$ 6,066.51
84201		JEFFERSON COUNTY DEVELOPMENT AUTHORITY		\$ 26,500.00
84202		JEFF CO PARKS & RECREATION COMMISSION		\$ 67,195.00
84203		JEFFERSON DAY REPORT CENTER		\$ 37,502.50
84204		JEFFERSON SECURITY BANK		\$ 4,459.00
84205		LANGUAGE LINE SERVICES		\$ 186.44
84206		MIDDLEWAY FIRE COMPANY		\$ 6,885.00
84207		NATIONWIDE RETIREMENT SOLUTIONS		\$ 834.00
84208		OLD CHARLES TOWN LIBRARY		\$ 22,125.00
84209		SHANNON BURLETT		\$ 1,871.79
84210		SHENTEL		\$ 1,807.00
84211		SHEPHERDSTOWN PUB LIBRARY		\$ 20,625.00
84212		SHERIFF OF JEFFERSON COUNTY		\$ 250.00
84213		SOUTH JEFFERSON PUBLIC LIBRARY		\$ 20,625.00
84214		STATE TAX DEPARTMENT		\$ 799.38
84215		TEK ADVISORS LLC		\$ 7,923.96
84216		THE HARTFORD		\$ 2,381.25
84217		TOWN OF BOLIVAR		\$ 6,066.52
84218		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 18,173.42
84219		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 46,003.52
84220		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 166.49

84221		WVU WEST VIRGINIA UNIVERSITY		\$ 3,700.00
84222		XEROX CORPORATION		\$ 2,334.50
84223	053/AM	PANHANDLE PRINTING		\$ 2,702.20
84224	206/COV	SHEPHERDSTOWN SHARES		\$ 25,000.00
<b>TOTAL</b>				<b>\$ 1,124,162.53</b>

**Motion by Mr. Compton to approve the Accounts Payable for January 7, 2021 in the amount of \$1,124,162.53. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

<b>MANUAL CHECKS</b>				
Check#	Fund	VENDOR		Amount
848	AV/56	<b>GLOBAL SCIENCE &amp; TECH</b>		\$ 289.73

**Motion by Mr. Stolipher to approve the Manual Checks for December 23, 2020 in the amount of \$289.73. Motion seconded and unanimously approved.**

<b>MANUAL CHECKS</b>				
Check#	Fund	VENDOR		Amount
143	IP/249	<b>SHERIFF JEFFERSON CO - EMS</b>		\$ 15,000.00

**Motion by Mr. Hudson to approve the Manual Checks for December 29, 2020 in the amount of \$15,000.00. Motion seconded and unanimously approved.**

<b>MANUAL CHECKS</b>				
Check#	Fund	VENDOR		Amount
519	CS/2	<b>EASTRIDGE HEALTH SYSTEM</b>		\$ 1,200.00
520	CS/2	<b>EPTA-EASTERN PANHANDLE TRANSIT</b>		\$ 3,583.50
521	CS/2	<b>JEFF CO COMMUNITY MINISTRIES</b>		\$ 3,000.00
849	AV/56	<b>PRINT-O-STAT</b>		\$ 190.00
1752	CO/246	<b>JEFFERSON CO EMS</b>		\$ 66,000.00
<b>TOTAL</b>				<b>\$ 73,973.50</b>

**Motion by Mr. Compton to approve the Manual Checks for January 8, 2021 in the amount of \$73,973.50. Motion seconded and unanimously approved.**

**PAYROLL APPROVAL**

**Motion by Mr. Hudson to approve the Payroll for December 24, 2020 in the amount of \$283,178.92. Motion seconded and unanimously approved.**

**PUBLIC COMMENT**

Public Comment was received by the following: David Tabb

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

**PRESENTATIONS**

1. County Commission Organization

a. Selection of President

- Commissioner Tabb offered her nomination to Commission Hudson for President of the Commission for 2021. He received one vote (Tabb).
- Commissioner Stolipher offered his nomination to Commissioner Compton for President of the Commission for 2021. He received four votes (Compton, Stolipher, Hudson, Jackson)

- **By majority vote, Commissioner Compton was selected as President of the Jefferson County Commission for 2021.**

b. Selection of Vice President

- Commissioner Jackson offered her nomination to Commissioner Hudson for Vice President of the Commission for 2021. He received two votes (Jackson, Tabb).
- Commissioner Compton offered his nomination to Commissioner Stolipher for Vice President of the Commission for 2021. He received three votes (Compton, Stolipher, Hudson).

- **By majority vote, Commissioner Stolipher was selected as Vice President of the Jefferson County Commission for 2021.**

c. Committee Assignments

<b>Assignment to Boards, Commissions &amp; Organizations Calendar Year 2020</b>		
<i>Organization</i>	<i>Commissioner 2020</i>	<i>Commissioner 2021</i>
Approval of Bills	Compton	Compton
Board of Health	Hudson	Hudson
Charles Town Utility Board Liaison	Hudson	Hudson
Building Repair & Security Courthouse Committee	Lorenzetti	Hudson
Community Corrections Committee - Day Report Center	Hudson	Jackson
Development Authority	Lorenzetti	Stolipher
E-911 Council	Tabb	Compton
Extension Service	Tabb	Tabb
Farmland Protection Board	Tabb	Tabb
Jefferson County Convention & Visitors Bureau	Noland	Stolipher
Jefferson County Emergency Services Agency / Fire & Rescue	Tabb	Jackson/Compton
Historic Landmarks Commission	Hudson	Hudson
Homeland Security/LEPC	Tabb	Jackson
Legislative Liaison	County Admin.	County Admin.
MPO Interstate Council	Noland	Stolipher
Eastern Panhandle Transportation Authority (EPTA)	Tabb	Tabb
Parks and Recreation	Compton	Compton
Planning Commission	Lorenzetti	Stolipher
Region 9	Noland	Stolipher
Solid Waste Authority	Compton	Compton
Water Advisory Committee	Hudson	Tabb
Workforce Investment Act Liaison	Lorenzetti	Jackson

- LEPC Runoff – Commissioner Tabb received one vote (Tabb), Commissioner Jackson received four votes (Compton, Hudson, Jackson, Stolipher)
- Planning Commission Runoff – Commissioner Tabb received one vote (Tabb). Commissioner Stolipher received four votes (Compton, Hudson, Jackson, Stolipher).

2. Jane Tabb, Commissioner – requested a discussion regarding staff participation during County Commission meetings

- **Motion by Ms. Tabb to protect the health and safety of all staff by allowing them to participate in County Commission meetings remotely until the WV County Alert System places Jefferson County in the “green.” Motion seconded and fails on a vote of 1-4 with Commissioners Compton, Stolipher, Hudson, and Jackson opposing.**
- **Amendment to Ms. Tabb’s motion by Mr. Compton to state that Staff can have the option to remain participating in meetings virtually if they feel uncomfortable attending in person. Ms. Tabb did not accept the amendment.**
- **Motion by Mr. Compton to protect the health and safety of all staff, staff may choose to participate in meetings remotely, without fear of job loss or retaliation, until it becomes safe to reconvene in person. Motion seconded and unanimously approved.**

3. Angela Banks, Assessor – presented the following Exonerations:

NAME	TYPE	DISTRICT	TICKET No.	AMOUNT
Lawrence and Elizabeth Toth	PP	SD	317499	\$491.08

- **Motion by Mr. Compton to approve the Exoneration to Ticket No. 317499 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET No.	AMOUNT
Heidi Griffin	PP	HFD	307759	\$36.42

- **Motion by Mr. Hudson to approve the Exoneration to Ticket No. 307759 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET No.	AMOUNT
Brian and Aubry McBean	PP	HFD	308303	\$245.81

- **Motion by Mr. Compton to approve the Exoneration to Ticket No. 308303 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET No.	AMOUNT
Gordon and Rebecca Richardson	RE	MD	22742	\$962.75

- **Motion by Mr. Compton to approve the Exoneration to Ticket No. 22742 as presented. Motion seconded and unanimously approved.**

4. Lee Thorne, District 5 Manager, WV Department of Highways – provided the Commission and the audience with an introduction and update regarding WVDOH projects.

5. Chris Livingston, Dead Rock Contractor Services, LLC – requested a Zoning Map Amendment Rezoning Request for Dead Rock Contractor Services.

- **Motion by Mr. Compton to accept the request for the Zoning Map Amendment for Dead Rock Contractor Services, LLC., refer the request the Jefferson County Planning Commission for review of Comprehensive Plan Consistency, and to schedule a public hearing on the rezoning request on February 18, 2021 at 7:30 pm to receive input from the public regarding the request. Motion seconded and unanimously approved.**

6. Douglas S. Rockwell, Citizen – requested reimbursement for attorney fees and costs incurred in challenging the finding by the Commission that Zoning Text Amendment (ZTA) 19-03 was consistent with the Comprehensive Plan.

- **Motion by Mr. Compton to enter into Executive Session to receive legal advice regarding Mr. Rockwell’s request. Motion seconded and unanimously approved.**
  - **Motion by Mr. Compton to adjourn from Executive Session and resume regular session. Motion seconded and unanimously approved.**
  - **Motion by Mr. Stolipher to deny Mr. Rockwell’s reimbursement request for attorney fees and costs incurred in challenging the finding by the Commission that Zoning Text Amendment (ZTA19-03) was consistent with the Comprehensive Plan. Motion seconded and unanimously approved.**
7. Interviews and Appointments to the Jefferson County Board of Zoning Appeals – two three-year terms ending January 1, 2024 and two alternate terms ending January 1, 2022 and January 1, 2024.
- **Motion by Ms. Tabb to nominate Ms. Deirdre Catterton to serve a three-year term on the Jefferson County Board of Zoning Appeals, ending January 1, 2024. Motion seconded and unanimously approved.**
  - **Motion by Mr. Hudson to nominate Matthew McKinney to serve a three-year term on the Jefferson County Board of Zoning Appeals, ending January 1, 2024. Motion seconded and passes on a vote of 4-1 with Ms. Tabb opposing.**
  - **Motion by Mr. Stolipher to nominate Danesia Chicchirichi to serve as an Alternate on the Jefferson County Board of Zoning Appeals with a term ending January 1, 2024. Motion seconded and unanimously approved.**
8. The Commission recessed for break at 11:00 am.  
The Commission reconvened at 11:15 am.
9. Jeffrey Polczynski, Director, Jefferson County Emergency Communications – requested the approval of employment for four full-time public safety dispatchers.
- **Motion by Ms. Tabb to approve the hire of Mallory Spinks, Megan Farias, Carrie Orr, and Amanda Duvall as full-time public safety dispatchers at a Grade 4, Step 1 with a salary of \$37,750, effective February 2021. Motion seconded and unanimously approved.**

10. Roger Goodwin, Chief County Engineer

- a. Bond Release Request for Seneca Crossing, LLC – Seneca Crossing Subdivision, Lots 1-3 (Files #18-25-SD)
  - **Motion by Mr. Compton to authorize a complete release of Irrevocable Letter of Credit #3000025580-44 with United Bank in the amount of \$480,985.00 construction bond amount of Seneca Crossing, LLC – Seneca Crossing Subdivision, Lots 1-3 (File #18-25-SD). Motion seconded and unanimously approved.**
- b. Bond Release Request for Berkeley Medical Center – Lot 1 Seneca Crossing Subdivision (File #19-3-S).
  - **Motion by Mr. Compton to authorize a complete release of Irrevocable Letter of Credit #4832790-44 with United Bank in the amount of \$258,642.00 construction bond amount for Berkeley Medical Center – Lot 1 Seneca Crossing Subdivision (File #19-3-S). Motion seconded and unanimously approved.**
    - Mr. Goodwin also informed the Commission the Impact Fee Calculation Study had been figured to include the school bond and was now ready for public hearing. It was the consensus of the commission to schedule the hearing for Thursday, January 28, 2021 at 7:00 pm.

11. Russell Burgess, Director, Department of Internet Technology

- a. Approval to Advertise for Department of Information Technology Support/Helpdesk Technician
  - **Motion by Mr. Compton to approve the Information Technology Department to Advertise for Department of Information Technology Support/Helpdesk Technical Level 1 at a salary of \$35,000 per year as a full time employee. Motion seconded and unanimously approved.**
- b. Approval of Homeland Security and Emergency Management Grant for Cybersecurity Software
  - **Motion by Mr. Compton to approve the grant from the Homeland Security Grant Department program for the Department of Information Technologies Cybersecurity Software initiative and to have the Commission President sign the attached documents to return to the Homeland Security State Administration Agency. Motion seconded and unanimously approved.**

12. Michelle Gordon, Finance Director – Review of FY2022 Budget Charge for Departments

13. 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 Mr. Compton to enter into Executive Session to receive legal advice, etc. Motion seconded and unanimously approved.**
  - **Motion by Mr. Hudson to come out of Executive Session. Motion seconded and unanimously approved.**

## NEW BUSINESS

14. Review/Approval of the 2021 Notice of the Board of Review and Equalization

- **Motion by Mr. Stolipher to approve the 2021 Notice of Board of Review and Equalization as presented. Motion seconded and unanimously approved.**

## COUNTY ADMINISTRATOR REPORTS

- Annual Leave Accrual and Maximum Overages
- **Motion by Mr. Compton to allow departmental employees to carry over their vacation hours until December 31, 2021 with the understanding they will not be paid beyond the maximum accrual as defined by the policy in the event the employees leaves or is terminated, and any excess hours will be eliminated after December 31, 2021. Motion seconded and unanimously approved.**
- Continuation of COVID-19 Policy 216-A
- **Motion by Mr. Compton to continue COVID-19 Policy 216-A for an additional 30 days and reassess at the regularly scheduled February 4, 2021 County Commission meeting. Motion seconded and unanimously approved.**

15. The Commission adjourned at 2:47 p.m. on a motion by Mr. Compton. Motion was seconded and unanimously approved.

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Joshua J. Compton, PRESIDENT

Respectfully submitted  
Jessica Carroll  
Executive Administrative Assistant