

Minutes

Jefferson County Commission

Thursday, February 18, 2021

A meeting of the Jefferson County Commission was held on Thursday, February 18, 2021 during the first quarterly session at 6:00 p.m. The meeting was held via GoToWebinar. Present were Commissioners Josh Compton, President, Steve Stolipher, Caleb Hudson, Tricia Jackson, and Jane Tabb. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, February 18, 2021 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Tabb to approve the January 28, 2021 Draft Impact Fee Recalculation Study Public Hearing Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the Budget 101 Public Forum Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the February 4, 2021 Regular Meeting Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the February 4, 2021 BORE Minutes as presented/with noted correction.

Motion by Ms. Tabb to approve the February 8, 2021 Budget Presentation Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the February 9, 2021 BORE Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the February 9, 2021 Budget Presentation Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the February 10, 2021 Budget Presentation Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Ms. Tabb to approve the February 11, 2021 BORE Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Compton to approve the Requisitions for February 18, 2021 in the amount of \$13,929.00 to include Requisition Nos. 21034 and 21036. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
84347	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	3,039.68
84348	AMERIFLEX	128.00
84349	BOLAND TRANE SERVICES INC	1,771.00
84350	COLONIAL LIFE	95.68
84351	DELTA DENTAL OF WV	6,383.71
84352	ESS ELECTION SYSTEMS & SOFTWARE	44,241.00
84353	FIFTH THIRD BANK	84,444.65
84354	FIRE SAFETY EQUIP	483.00
84355	FRIENDSHIP FIRE COMPANY	79,481.05
84356	GRUBER LATIMER RESTORATION LLC	7,400.00
84357	HIGHMARK WV	198,301.16
84358	IPC TECHNOLOGIES INC.	225.00
84359	J.C. EHRLICH	750.00
84360	J.D. POWER & ASSOC	285.00
84361	JAMES P HAYDEN	379.55
84362	MIDDLEWAY FIRE COMPANY	25,137.00

84363		NATIONAL VISION ADMIN.		1,686.36
84364		OX PAPERBOARD CO		35.00
84365		POTOMAC EDISON		28,872.33
84366		R.E. MICHEL CO. LLC		187.87
84367		RETIREE HEALTH BENEFIT TRUST		7,406.00
84368		RICE TIRES CO		261.48
84369		SAMANTHA COMBS		550.60
84370		SHERWIN-WILLIAMS		10.30
84371		SHI INTERNAIONAL CORP		322.62
84372		SOFTWARE SYSTEMS INC		1,176.00
84373		STIMULUS SOFT		1,130.00
84374		TEK ADVISORS LLC		4,200.00
84375		THE HARTFORD		3,261.10
84376		THE HARTFORD		2,330.45
84377		WHOLESALE TIRES INC.		15.06
84378		WV BUREAU OF EMPLOYMENT UNEMPLOYMENT COMP. DIV.		2,909.56
84379		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		57,465.75
84380		XEROX CORPORATION		3,367.63
TOTAL				567,733.59

Motion by Mr. Compton to approve the Accounts Payable for February 12, 2021 in the amount of \$567,733.59. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
84382		AT&T		136.68
84383		BUREAU OF CHILD SUPPORT		502.16
84384		COMPTROLLER OF MARYLAND		1,783.62
84385		DOING BETTER BUSINES		787.82
84386		DOING BETTER BUSINES		1,275.30
84387		DR. ROBERT E JONES III		1,000.00
84388		EASTERN PANHANDLE INVESTIGATIONS		812.50
84389		EFTPS IRS TAXES		105,084.71
84390		EMPOWER RETIREMENT		5,307.62
84391		JANET COLLIER		871.65
84392		JEFFERSON SECURITY BANK		4,459.00
84393		JOSEPH MURPHY		1,344.30
84394		NATIONWIDE RETIREMENT SOLUTIONS		834.00
84395		STATE TAX DEPARTMENT		799.37

84396		WV DEPUTY SHERIFF RETIREMENT SYSTEM		19,404.70
84397		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		46,959.39
84398		WV STATE TAX DEPARTMENT		35,216.86
84399		GENERAL COUNTY FUND-004		14,321.00
TOTAL				240,900.68

Motion by Mr. Compton to approve the Accounts Payable for February 18, 2021 in the amount of \$240,900.68. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
721	HD/8	ENVIVO HEALTH LLC		\$ 64.00
722	HD/8	FIFTH THIRD BANK		\$ 116.74
854	AV/56	FIFTH THIRD BANK		\$ 258.35
855	AV/56	JUSTTECH		\$ 164.28
856	AV/56	KNIGHT CONSULTING		\$ 750.00
857	AV/56	MILLERS SUPPLIES AT WORK		\$ 1,169.00
858	AV/56	MILLERS SUPPLIES AT WORK		\$ 41.88
1269	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 280,996.50
1270	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 6,866.48
1271	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 22,007.67
1272	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 2,380.24
TOTAL				\$ 314,815.14

Motion by Ms. Tabb to approve the Manual Checks for February 12, 2021 in the amount of \$314,815.14. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
523	CS/2	EASTRIDGE HEALTH SYSTEM		\$ 500.00
334	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 87,885.43
859	AV/56	SEGRA		\$ 616.00

TOTAL				89,001.43
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Motion by Mr. Compton to approve the Manual Checks for February 19, 2021 in the amount of \$89,001.43. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Mr. Compton to approve the Payroll for February 4, 2021 in the amount of \$268,849.34. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public Comment was received by the following: Lyn Widmyer

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

PRESENTATIONS

1. Tom Hansen, Sheriff

a. Home Confinement Officer

- **Motion by Mr. Compton to approve the hire of Cassie Johnson as a full-time Home Confinement Officer at a salary of \$13 per hour, with salary and benefits to be paid from the Home Confinement fund, effective February 21, 2021. Motion seconded and unanimously approved.**

b. Discussion of past and present promotional structure and procedures with the Jefferson County Sheriff’s Department – this item was discussed in Executive Session later in the evening.

2. Michelle Gordon, Finance Director

a. Review and Approval of FY2021 State Budget Revision 3 for the General County Fund

- **Motion by Mr. Compton to approve FY21 State Budget Revision 3 for the General County Fund as presented. Motion seconded and unanimously approved.**

- b. Review and Approval of FY2021 State Budget Revision 4 for the General County Fund
 - **Motion by Mr. Compton to approve FY21 State Budget Revision 4 for the General County Fund as presented by Ms. Gordon. Motion seconded and unanimously approved.**
3. Stephen S. Allen, Director, Jefferson County Homeland Security and Emergency Management
- a. Request to post the vacant Deputy Director/Planner/Program Manager Position
 - **Motion by Mr. Compton to approve the posting of the vacant Deputy Director/Planner/Program Manager Position with a Grade 5 salary. Motion seconded and unanimously approved.**
 - b. Consideration of entering into agreement with Region 9 Planning and Development Council to be part of the Regional Hazard Mitigation Plan with Berkeley and Morgan Counties – the Commission took no action on this item.
4. Public Hearings
- a. Zoning Map Amendment Rezoning Request for property designated as Tax District: Harpers Ferry (04); Tax Map: 9; Parcels: 23 & 27. The properties are located off Shipley School Road in Harpers Ferry, WV.
 - No public comments were received regarding this item. President Compton noted the public comment period would remain open for two weeks to allow time for written comment, with a decision to potentially be made during the March 18, 2021 regularly scheduled County Commission meeting.
 - b. Pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”) relating to proposed issuance of Berkeley County and Jefferson County, West Virginia, as Joint Issuers, Commercial Development Refunding Revenue Bonds (Hospice of the Panhandle, Inc. Project) Series 2021, in the amount not to exceed \$5,500,000 (the “Bonds”) to refund the Issuers’ Commercial Development Revenue Bonds (Hospice of the Panhandle, Inc. Project) Series 2021 (the “Prior Bonds”), for the benefit of Hospice of the Panhandle, Inc., a West Virginia nonprofit corporation.
 - Public comments were made by Cam Siegrist (Bond Counsel), Josh Householder (Chief Banking Officer for CNB Bank and Hospice Board member) and Margaret Cogswell (CEO of Hospice of the Panhandle) in

favor of the request. No other comments were received in oral or written format.

- **Motion by Mr. Stolipher to approve the Bond Resolution authorizing the issuance of the above referenced Bonds, the refunding of the Prior Bonds and approving the issuance of the Bonds as the “applicable elected representative” pursuant to Section 147(f) of the Code. Motion seconded and unanimously approved.**
5. Jennifer Myers, Director, Jefferson County Parks and Recreation – updates on Parks and Recreation, including future projects and acquisitions
 6. Bondy Shay Gibson, Superintendent, Jefferson County Board of Education – discussion on how Impact Fees are used by the JCBOE
 7. 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 Council changes to Article 147
 - Discussion of Jefferson County Court Civil Action #20-C-109

- **Motion by Mr. Compton to enter into Executive Session to receive legal advice regarding the following: discussion of EEOC Charge #533-2017-00706 & #533-2019-01397; 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 Department of Interior inquiry of Historic Landmarks Commission activity for docket no. PCRNPS-04-20; and discussion of Jefferson County Court Civil Action #20-C-109, along with the issues regarding past and present promotional structure and procedures with Jefferson County Sheriff's Department. Motion seconded and unanimously approved.**
- **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to request Ms. Gordon, Finance Director, to make a determination regarding the back pay of two corporals. Motion seconded and unanimously approved.**

NEW BUSINESS

8. Magistrate Court 2nd Floor renovations – Ms. Tabb requested clarification on the space the Sheriff was interested in renovating, as she believed it had been promised to magistrate court in the event Jefferson County was to receive another magistrate.
9. Discuss Impact Fee Workshop and Set Date/Time – it was the consensus of the Commission to not pursue an Impact Fee workshop at this time.
 - **Motion by Mr. Stolipher to request a refund from TischlerBise for the cost of the Impact Fee Recalculation Study. Motion seconded but tabled on the suggestion of Mr. Hudson to allow counsel time to research the refund request.**
10. Set Public Hearing regarding Administrative Appeal of Impact Fee Coordinator decision that the Conversion of the 51 unit Quality Inn Hotel (near Shepherdstown) into 20 one bedroom and efficiency apartments with first floor retail requires full payment of Impact Fees – it was the consensus of the Commission to conduct this hearing themselves rather than appoint a hearing officer and tentatively schedule it during the April 1, 2021 regularly scheduled County Commission meeting.
11. Second Amendment Sanctuary County – Resolution

- **Motion by Ms. Jackson that the County Commission of Jefferson County West Virginia, in Recognition and Support of the Constitution of the United States of America, and the Constitution of West Virginia, hereby declare Jefferson County, West Virginia, a Second Amendment sanctuary county, for the purposes described in the Resolution. Motion seconded and passes 4-0, with Ms. Tabb abstaining.**

COUNTY ADMINISTRATOR REPORTS

- Legislative Updates – Ms. Grove provided updates regarding potential legislation pertinent to the County.
- Charles Town E. Liberty Streetscape Design and Impact on County Parking Lot – Ms. Grove informed the Commissioners of the City of Charles Town’s project to revamp Liberty Street which would result in the elimination of two parking spots from the main county parking lot; however, the City of Charles Town would be footing the bill for necessary repairs to the county parking lot. It was the consensus of the Commission to be involved with the project, with Ms. Grove, Mr. Stolipher, Roger Goodwin and Laura Kuhn to be included in the conversations regarding the redesign of the parking lot.

12. The Commission adjourned at 9:42 p.m. on a motion by Ms. Tabb. Motion was seconded and unanimously approved.

JOSH COMPTON, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant