

Minutes
Jefferson County Commission
Thursday, October 18, 2012

A meeting of the Jefferson County Commission was held on Thursday, October 18, 2012 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Lyn Widmyer, Dale Manuel, Frances Morgan and Walt Pellish. Also present were Debbie Keyser, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the October 18, 2012 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Pellish led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Widmyer to approve the Minutes of the October 4, 2012 regular meeting as presented. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve the Minutes of the October 4, 2012 Public Hearing regarding the Rt. 340 East Gateway Corridor. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$146,286.84 being P. O. Nos. 50165, 50179, 52068, 49892, 49982, 49984, 50064, 50170, 50163, 49790, 49795, 49814, 50164, 50166, 50172, 50173, 50174, 50175, 50176, 50178, 50041, 50042, 50043, 50045, 50046, 50177 and 49956. Motion seconded by Ms. Morgan and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Mr. Pellish to approve the accounts payable for October 11, 2012 in the amount of \$340,077.22. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Widmyer to approve the accounts payable for October 18, 2012 in the amount of \$161,658.35. Motion seconded by Ms. Manuel and unanimously approved.

CHCKNO	DEPT	VENDOR	PONU M	POAMT	NOAMT	CHECK AMOUNT
068417	425	COMCAST		\$ -	\$ 349.94	\$ 349.94
068418	424	AT&T/IL		\$ -	\$ 0.41	\$ 0.41
068419	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 2,079.49	\$ 2,079.49
068420	700	MATTHEW ARMEL		\$ -	\$ 100.00	\$ 100.00
068421	424	BOLAND SERVICES	52829	\$ 270.00	\$ -	\$ 270.00
068421	425	BOLAND SERVICES	51117	\$ 991.01	\$ -	\$ 991.01
068422	PAYROLL	LAURENCE R CROFFORD		\$ -	\$ 7.71	\$ 7.71
068423	424	CHARLES TOWN UTILITY BRD		\$ -	\$ 60.21	\$ 60.21

068423	425	CHARLES TOWN UTILITY BRD		\$ -	\$ 790.95	\$ 790.95
068424	405	DELL MARKETING LP	50040	\$ 1,072.07	\$ -	\$ 1,072.07
068425	425	DAYCON	50169	\$ 41.92	\$ -	\$ 41.92
068426	405	FEDEX		\$ -	\$ 21.74	\$ 21.74
068426	700	FEDEX		\$ -	\$ 49.05	\$ 49.05
068427	433	TODD FAGAN		\$ -	\$ 155.00	\$ 155.00
068428	717	FISHER AUTO PARTS	50109	\$ 7,000.00	\$ -	\$ 7,000.00
068429	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 20,980.55	\$ 20,980.55
068430	717	GUTTMAN OIL CO		\$ -	\$ 17,734.61	\$ 17,734.61
068431	412	MICHAEL HARMAN		\$ -	\$ 72.18	\$ 72.18
068432	425	IDVILLE, INC	49869	\$ 100.00	\$ -	\$ 100.00
068433	428	IBM CORPORATION		\$ -	\$ 1,407.00	\$ 1,407.00
068434	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 305.05	\$ 305.05
068435	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 2,079.49	\$ 2,079.49
068436	425	JEFFERSON UTILITIES INC		\$ -	\$ 499.76	\$ 499.76
068437	716	JOHN DEERE FINANCIAL	50160	\$ 74.96	\$ -	\$ 74.96
068438	700	LAW ENFORCEMENT SYS INC	49642	\$ 130.00	\$ -	\$ 130.00
068439	712	LANGUAGE LINE SERVICES		\$ -	\$ 61.40	\$ 61.40
068440	412	JUDITH A MATLICK		\$ -	\$ 1,136.03	\$ 1,136.03
068441	425	HOME DEPOT CREDIT SERVIC		\$ -	\$ 27.52	\$ 27.52
068442	405	NATL DIST ATTORNEYS ASSO	50047	\$ 75.00	\$ -	\$ 75.00
068443	712	NAEMD	48184	\$ 100.00	\$ -	\$ 100.00
068444	ALLOC	JEFF CO PARKS &		\$ -	\$ 21,834.69	\$ 21,834.69
068445	425	POTOMAC EDISON/OH		\$ -	\$ 2,364.86	\$ 2,364.86
068446	425	REESE'S NURSERY&LANDSCAP	51108	\$ 800.00	\$ -	\$ 800.00
068447	ALLOC	RANSON PARKS/REC COMMSSN		\$ -	\$ 7,200.00	\$ 7,200.00
068448	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
068448	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
068448	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
068448	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
068448	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
068448	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
068448	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
068448	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
068448	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
068448	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
068449	405	STAPLES CREDIT PLAN	50044	\$ 22.98	\$ -	\$ 22.98
068450	425	SHENANDOAH VALLEY WATER		\$ -	\$ 677.65	\$ 677.65
068451	425	SOUTHERN REFRIGERATION	50171	\$ 55.47	\$ -	\$ 55.47
068452	425	THOMPSON GAS		\$ -	\$ 891.28	\$ 891.28
068454	401	UNITED BANKCARD CENTER		\$ -	\$ 641.68	\$ 641.68

068454	402	UNITED BANKCARD CENTER		\$ -	\$ 9.85	\$ 9.85
068454	402	UNITED BANKCARD CENTER		\$ -	\$ 15.71	\$ 15.71
068454	403	UNITED BANKCARD CENTER		\$ -	\$ 1,979.20	\$ 1,979.20
068454	405	UNITED BANKCARD CENTER		\$ -	\$ 193.00	\$ 193.00
068454	412	UNITED BANKCARD CENTER		\$ -	\$ 444.70	\$ 444.70
068454	413	UNITED BANKCARD CENTER		\$ -	\$ 93.78	\$ 93.78
068454	415	UNITED BANKCARD CENTER		\$ -	\$ 77.04	\$ 77.04
068454	424	UNITED BANKCARD CENTER		\$ -	\$ 135.00	\$ 135.00
068454	424	UNITED BANKCARD CENTER		\$ -	\$ 98.94	\$ 98.94
068454	424	UNITED BANKCARD CENTER		\$ -	\$ 24,511.29	\$ 24,511.29
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 297.00	\$ 297.00
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 23.51	\$ 23.51
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 72.26	\$ 72.26
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 19.94	\$ 19.94
068454	425	UNITED BANKCARD CENTER		\$ -	\$ 185.01	\$ 185.01
068454	428	UNITED BANKCARD CENTER		\$ -	\$ 90.84	\$ 90.84
068454	433	UNITED BANKCARD CENTER		\$ -	\$ 359.00	\$ 359.00
068454	439	UNITED BANKCARD CENTER		\$ -	\$ 170.00	\$ 170.00
068454	439	UNITED BANKCARD CENTER		\$ -	\$ 408.90	\$ 408.90
068454	439	UNITED BANKCARD CENTER		\$ -	\$ 150.00	\$ 150.00
068454	440	UNITED BANKCARD CENTER		\$ -	\$ 160.20	\$ 160.20
068454	440	UNITED BANKCARD CENTER		\$ -	\$ 438.00	\$ 438.00
068454	440	UNITED BANKCARD CENTER		\$ -	\$ 351.88	\$ 351.88
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 399.00	\$ 399.00
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 34.20	\$ 34.20
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 230.52	\$ 230.52
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 212.12	\$ 212.12
068454	700	UNITED BANKCARD CENTER		\$ -	\$ 109.97	\$ 109.97
068454	711	UNITED BANKCARD CENTER		\$ -	\$ 180.00	\$ 180.00
068454	711	UNITED BANKCARD CENTER		\$ -	\$ 84.80	\$ 84.80
068454	712	UNITED BANKCARD CENTER		\$ -	\$ 715.52	\$ 715.52
068454	712	UNITED BANKCARD CENTER		\$ -	\$ 329.51	\$ 329.51
068454	712	UNITED BANKCARD CENTER		\$ -	\$ 3,515.68	\$ 3,515.68
068454	716	UNITED BANKCARD CENTER		\$ -	\$ 338.05	\$ 338.05
068454	716	UNITED BANKCARD CENTER		\$ -	\$ 307.60	\$ 307.60
068454	716	UNITED BANKCARD CENTER		\$ -	\$ 54.98	\$ 54.98
068454	717	UNITED BANKCARD CENTER		\$ -	\$ 204.06	\$ 204.06
068454	717	UNITED BANKCARD CENTER		\$ -	\$ 862.14	\$ 862.14
068455	716	UNIVERSITY OF MISSOURI		\$ -	\$ 450.00	\$ 450.00
068456	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 25,993.68	\$ 25,993.68
068457	405	WEST PAYMENT CENTER	49635	\$ 2,864.19	\$ -	\$ 2,864.19

068458	PAYROLL	RUSSELL WILLIAMS		\$ -	\$ 7.71	\$ 7.71
TOTAL						\$ 161,658.35
TOTAL				\$ 13,597.60	\$ 148,060.75	\$ 161,658.35

PUBLIC COMMENT:

- **Eula Odom, Sheridan Estates HOA President**, spoke about discrepancies, in her opinion, contained in the October 11, 2012 letter/proposal from attorney Steven Mathias regarding unfinished construction at Sheridan Estates.
- **Tom Cardamone, Sheridan Estates HOA Vice President**, commented on the unfinished construction at Sheridan Estates.
- **David Tabb, resident of Jefferson County**, opined regarding perceived safety issues relating to ongoing construction on Rt. 340.

PRESENTATIONS:

1. **Angela Banks, Assessor, presented the following exonerations for approval:**

NOTICE OF EXONERATION:

Angela Banks, County Assessor, requested exonerations for Jim Blok/Apple Blossom Meadows Subd. Lot Owners Assn., Inc. in the amounts of \$99.36 and \$18.50 for Ticket Nos. 17884 and 17885, respectively.

Name	District	Type	Ticket No.	Amount
Jim Blok/Apple Blossom Meadows Subd. Lot Owners Assn., Inc.	Kabletown	Real Estate	17884	\$99.36
			17885	\$18.50

NOTICE OF EXONERATION:

Angela Banks, County Assessor, requested exoneration for Remac America/Mark Soresi in the amount of \$2,957.70 for Ticket No. 310500.

Name	District	Type	Ticket No.	Amount
Remac America/Mark Soresi	Kabletown	Real Estate	310500	\$2,957.70

Motion by Mr. Manuel to approve two (2) exonerations for Jim Blok/Apple Blossom Meadows Subd. Lot Owners Assn., Inc. in the amounts of \$99.36 and \$18.50, being Ticket Nos. 17884 and 17885, respectively. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to approve exoneration for Remac America/Mark Soresi in the amount of \$2,957.70, being Ticket No. 310500. Motion seconded by Ms. Widmyer and unanimously approved.

2. **Patricia Smith, Department of Juvenile Services** explained the purpose and goals of the newly-formed Jefferson County Youth Reporting Center and requested financial assistance from the Commission.

The Commission requested Ms. Smith to calculate the amount of financial assistance she estimates would be needed at this time to purchase computers and return to the Commission with a definite figure.

COUNTY ADMINISTRATOR REPORTS:

- Attending a Jefferson County Emergency Services Agency meeting this evening.
 - Held Human Resources Managers Performance Review Training and Goal-Setting Training.
 - With the Commission's permission, on November 15, 2012 Paul Shroyer will be on the Agenda to participate in a preliminary budget meeting. Department managers financial training will be held on November 14, 2012 and we should have a full list of capital outlay projects that will be all inclusive by that date. Have set four (4) Wednesdays in January 2013 for the management team to work on the budget
 - The AS400 upgrade has been completed which will give the County another five (5) years with the memory that was installed.
3. **Roger Goodwin, Chief County Engineer** requested the complete release of the construction bond security for Sur-Loc Flooring Systems, LLC – Sur-Lock Flooring at Burr Business Park (File #S11-10) – Letter of Credit #316 with The Bank of Charles Town, Charles Town, West Virginia.

Motion by Mr. Manuel to approve the complete release of the \$219,088.00 construction bond security for Sur-Loc Flooring Systems, LLC – Sur-Lock Flooring at Burr Business Park (File #S11-10) – Letter of Credit #316 with The Bank of Charles Town, Charles Town, West Virginia as presented by Mr. Goodwin. Motion seconded by Mr. Pellish and unanimously approved.

Roger Goodwin requested a decision by the Commission on the tolling provisions of the Jefferson County Land Development Site Improvements Bonding and Bond Surety Policy as amended May 31, 2012.

Motion by Ms. Widmyer to ask staff to reconsider this proposed policy in three (3) areas:

- 1) To consider 50% as the total number of lots that would be eligible;
- 2) To consider how the Commission can assure that amenities that have been promised at time of subdivision approval, that the appropriate amenities are connected to the lots that are being tolled; and
- 3) That Mr. Goodwin review the testimony of the EPHOA and give the Commission a response.

Motion died for lack of a second.

Motion by Mr. Manuel that the proposed policy be resubmitted to Mr. Goodwin and his staff to review, rework and insert reasonable figures under fifty percent (50%), as in their professional opinion are based on fact and would protect the consumer in terms of the associated amenities. Motion seconded by Ms. Noland and passed 4 to 1 with Ms. Morgan opposing the motion.

4. **The Commission took a short break at 10:45 a.m.**
The Commission reconvened at 10:55 a.m.

5. **Stephanie Grove, Assistant Prosecuting Attorney requested** the County Commission approve language, as presented by Ms. Grove, eliminating a loophole in the affordable housing discount impact fee ordinance to prevent exemptions within five (5) years of receipt of an affordable housing discount.

Motion by Mr. Manuel to move the 5-year look-back period into the ordinance for purposes of the public hearing. Motion seconded by Ms. Morgan and unanimously approved.

6. **Lynn Fields, Deputy Probate Clerk, requested** that the Commission in its capacity as a Fiduciary Review Board, close or approve the estates presented by Ms. Fields since the last regularly scheduled quarterly meeting.

Motion by Ms. Morgan to convene as a Quarterly Fiduciary Review Board. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan to approve closure of the Estates presented by Ms. Fields. Motion seconded by Mr. Manuel and unanimously approved.

7. **Grant Smith of the Land Trust of the Eastern Panhandle on behalf of Elizabeth Wheeler of the Jefferson County Farmland Protection Board requested** that the Jefferson County Commission approve the purchase by the Jefferson County Farmland Protection Board and the NPS/American Battlefield Protection Program of one conservation easement on property in Jefferson County owned by The Claymont Society for Continuous Education, Inc.

Motion by Ms. Morgan to approve the purchase by the Jefferson County Farmland Protection Board and the NPS/American Battlefield Protection Program of one conservation easement on property in Jefferson County owned by The Claymont Society for Continuous Education, Inc. Motion seconded by Mr. Manuel and unanimously approved.

8. **DR Acquisitions, LLC requested** the proposal contained in numbered paragraphs 1, 2, 3 and 4 in the letter dated October 11, 2012 from Stephen M. Mathias, Esq. of Bowles Rice McDavid Graf & Love, PLLC regarding Sheridan Subdivision, be approved.

Motion by Ms. Morgan to approve, in principle, the four (4) points presented in the October 11, 2012 letter, subject to review of the fine details at some point. Motion seconded by Mr. Manuel. Friendly amendment by Mr. Pellish that specifies the streets be identified instead of the "front section" wording and that the lot numbers be corrected. Motion with amendment unanimously approved.

9. **Barbara Miller, Director of Homeland Security and Emergency Management requested** the County Commission to approve and submit the 2012 Community Resilience Innovation Challenge Grant Application for Jefferson County Homeland Security and Emergency Management in the amount of \$31,800.00.

Motion by Mr. Manuel to approve and submit the 2012 Community Resilience Innovation Challenge Grant Application for Jefferson County Homeland Security and Emergency Management in the amount of \$31,800.00. Motion seconded by Ms. Widmyer and unanimously approved.

10. **Neil Barkus, Esq. of Steptoe & Johnson requested** an Executive Session to update the Commission regarding pending litigation. **Stephanie Grove, Esq. also requested this Executive Session to discuss upcoming mediation in the Windle pre-suit claim.**

Motion by Ms. Morgan to enter into an executive session regarding a personnel matter pursuant to WV Code §6-9A-4. Motion seconded by Mr. Pellish and unanimously approved.

Motion by Ms. Morgan to conclude the executive session and reconvene the regular meeting of the County Commission. Motion seconded by Mr. Manuel and unanimously approved.

Motion by Ms. Morgan that the Commission authorize Commissioner Pellish to conclude settlement negotiations. Motion seconded by Mr. Manuel and unanimously approved.

No action necessary with regard to the Windle matter.

Ms. Keyser stated that with regard to Communications Policy versus Communications Guidelines she had understood it was the Commission's wish that she develop a policy outlining all the things that constitute a meeting of the Commission, etc. It was given to Stephanie Grove to review and she was of the legal opinion that guidelines should not be made into a policy.

**The Commission broke for lunch at 12:40 p.m.
The Commission reconvened at 1:30 P.M.**

11. Ms. Brockman presented an update to the Commissioners on the 2014 Comprehensive Plan.

Motion by Ms. Widmyer that the Commission allow Ms. Brockman to conduct interviews for the position of Comprehensive Plan Planner and recommend a candidate to the Commission. Ms. Morgan seconded the motion and it was unanimously approved.

Ms. Brockman requested the scheduling of a public hearing to be held by the County Commission regarding the recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 2.39 acre property owned by the Bank of Charles Town, designated s Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26.

Motion by Mr. Manuel to set a date for a public hearing in the evening approximately thirty (30) days from this date regarding the landowner-initiated petition to amend the County Zoning Map for a 2.39 acre property owned by the Bank of Charles Town, designated as Tax District: Harpers Ferry, Map: 7, Parcels: 24 and 26, and direct Ms. Keyser to review possible dates and schedule the hearing. Motion seconded by Mr. Pellish and unanimously approved.

Ms. Brockman requested appointment of Envision 2035 (2014 Comprehensive Plan) Steering Committee Members by the County Commission.

By general consensus, in order to allow the Commissioners time to interview the applicants, the Commission agreed to continue this item until next week's meeting and place it on the Agenda next week as an actionable item.

Ms. Brockman and the County Commission reviewed comments received by the public on and after September 6, 2012 regarding Proposed Zoning Text Amendments related to New Commercial and Industrial Zoning Categories and requested direction from the County Commission so that a revised draft can be prepared for consideration at a future meeting.

Motion by Ms. Morgan to postpone these items for consideration after the Comprehensive Plan process is completed. Motion seconded by Ms. Widmyer. Motion not voted on.

Motion by Mr. Manuel to hold this motion over until next week's Agenda for decision. Motion passes 3 to 2.

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS:

Jefferson County Historic Landmarks Commission

COUNTY COMMISSIONER REPORTS:

Commissioner Morgan:

- Attended a Jefferson County Board of Health meeting.
- Attended a meeting at the Berkeley/Jefferson Day Report Center.
- Attended a Historic Landmarks Commission meeting.
- Attended Middleway Days event.

Commissioner Widmyer:

- Participated in the Freedom's Run 5k run.
- Attended Middleway Days event.
- Attended a WV DOT Corridor Management Handbook meeting.
- Attended a Jefferson county Parks and Recreation meeting.

Commissioner Manuel:

- Attended Middeway Days event.
- On October 15, 2012 attended a Teen Court Organizational meeting.
- On October 17, 2012 attended a regular Teen Court meeting - Operations Manual approved, first case to be heard in mid-January 2013.
- Attended a Jefferson County Parks and Recreation meeting.

Commissioner Noland:

- Attended a Jefferson County Convention and Visitors' Bureau meeting with new CEO.
- Attended a Jefferson County Council on Aging meeting.
- Attended a Regional Jail Summit.

Magistrate Gail Boober and the Commission discussed how the Magistrates and County Commission can work together to reduce monthly regional jail costs.

There being no further business, the meeting was adjourned until Thursday, October 25, 2012 at 9:30 a.m.

PATRICIA A. NOLAND, PRESIDENT

