

Minutes
Jefferson County Commission
Thursday, November 15, 2012

A meeting of the Jefferson County Commission was held on Thursday, November 15, 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, Jimmy Eddie, Bailiff, Cynthia Schott, Temporary Administrative Assistant. (An audio tape of the November 15, 2012 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the minutes of the November 8, 2012 regular meeting with noted corrections. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$119,782.13 being P. O. Nos. 50161, 50205, 50209, 49992, 49993, 50065, 50200, 50206, 50207, 49960, 50050, 50051, 50052, 50054. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable for November 15, 2012 in the amount of \$141,673.52. Motion seconded by Mr. Manuel and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
068598	425	B-K OFFICE SUPPLY INC	50194	\$ 325.00	\$ -	\$ 325.00
068598	425	B-K OFFICE SUPPLY INC	50198	\$ 767.25	\$ -	\$ 767.25
068599	424	BOLAND SERVICES	52829	\$ 270.00	\$ -	\$ 270.00
068599	425	BOLAND SERVICES	51117	\$ 991.01	\$ -	\$ 991.01
068600	PAYROL L	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
068601	PAYROL L	BUREAU F/CHILD SPVRT ENF		\$ -	\$ 212.31	\$ 212.31
068602	PAYROL L	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
068603	PAYROL L	BUREAU OF CHILD SUPPORT		\$ -	\$ 23.08	\$ 23.08
068604	425	CITY OF CHARLES TOWN	50199	\$ 280.00	\$ -	\$ 280.00
068605	440	DAVID M. CARTER		\$ -	\$ 17.35	\$ 17.35
068605	440	DAVID M. CARTER		\$ -	\$ 4.61	\$ 4.61

068606	PAYROL L	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
068607	401	CHOICE STAFFING, INC.		\$ -	\$ 1,193.41	\$ 1,193.41
068607	440	CHOICE STAFFING, INC.		\$ -	\$ 2,075.63	\$ 2,075.63
068608	425	DEAN'S LAWNMOWER SHOP	50193	\$ 6.78	\$ -	\$ 6.78
068609	PAYROL L	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
068610	717	GUY'S BUICK-GMC TRUCK IN	50195	\$ 200.04	\$ -	\$ 200.04
068611	717	GUTTMAN OIL CO		\$ -	\$ 15,398.02	\$ 15,398.02
068612	424	HASLER INC.	50073	\$ 79.98	\$ -	\$ 79.98
068613	PAYROL L	ING NATIONAL TRUST		\$ -	\$ 1,685.00	\$ 1,685.00
068614	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 203.37	\$ 203.37
068615	402	JEFFERSON PUBLISH CO INC	49988	\$ 375.24	\$ -	\$ 375.24
068616	425	JEFFERSON UTILITIES INC		\$ -	\$ 499.76	\$ 499.76
068617	PAYROL L	JEFFERSON SECURITY BANK		\$ -	\$ 40.00	\$ 40.00
068617	PAYROL L	JEFFERSON SECURITY BANK		\$ -	\$ 4,803.00	\$ 4,803.00
068618	440	HAINES KIMBLE		\$ -	\$ 97.00	\$ 97.00
068619	424	VERIZON BUSINESS		\$ -	\$ 1,137.54	\$ 1,137.54
068620	PAYROL L	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
068621	700	SHARON MOSKOWITZ		\$ -	\$ 77.38	\$ 77.38
068622	PAYROL L	NATIONWIDE RETIREMENT		\$ -	\$ 774.00	\$ 774.00
068623	402	PIFER OFFICE SUPPLY, INC	49990	\$ 9.48	\$ -	\$ 9.48
068623	406	PIFER OFFICE SUPPLY, INC	49855	\$ 71.97	\$ -	\$ 71.97
068624	425	POTOMAC EDISON/OH		\$ -	\$ 1,837.63	\$ 1,837.63
068625	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 118.50	\$ 118.50
068625	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 731.00	\$ 731.00
068625	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 753.00	\$ 753.00
068625	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 70.00	\$ 70.00
068626	711	SOFTWARE COMPUTER GROUP	53192	\$ 150.00	\$ -	\$ 150.00
068627	425	SNYDER ENVIRONMENTAL	50197	\$ 160.00	\$ -	\$ 160.00
068628	425	SHENANDOAH VALLEY WATER		\$ -	\$ 645.05	\$ 645.05
068629	401	LESLIE SMITH AND		\$ -	\$ 55,000.00	\$ 55,000.00
068630	425	CAPITAL TRISTATE	50096	\$ 2,434.10	\$ -	\$ 2,434.10
068631	425	TRENARY SERVICE CO	50196	\$ 2,740.50	\$ -	\$ 2,740.50
068633	401	UNITED BANKCARD CENTER		\$ -	\$ 210.34	\$ 210.34
068633	401	UNITED BANKCARD CENTER		\$ -	\$ 438.30	\$ 438.30
068633	401	UNITED BANKCARD CENTER		\$ -	\$ 1,001.60	\$ 1,001.60
068633	402	UNITED BANKCARD CENTER		\$ -	\$ 96.99	\$ 96.99
068633	402	UNITED BANKCARD CENTER		\$ -	\$ 1,247.34	\$ 1,247.34

068633	403	UNITED BANKCARD CENTER		\$ -	\$ 100.21	\$ 100.21
068633	412	UNITED BANKCARD CENTER		\$ -	\$ 446.56	\$ 446.56
068633	413	UNITED BANKCARD CENTER		\$ -	\$ 299.99	\$ 299.99
068633	413	UNITED BANKCARD CENTER		\$ -	\$ 440.00	\$ 440.00
068633	415	UNITED BANKCARD CENTER		\$ -	\$ 77.32	\$ 77.32
068633	424	UNITED BANKCARD CENTER		\$ -	\$ 19.88	\$ 19.88
068633	424	UNITED BANKCARD CENTER		\$ -	\$ 98.13	\$ 98.13
068633	424	UNITED BANKCARD CENTER		\$ -	\$ 24,384.87	\$ 24,384.87
068633	424	UNITED BANKCARD CENTER		\$ -	\$ 231.00	\$ 231.00
068633	425	UNITED BANKCARD CENTER		\$ -	\$ 63.76	\$ 63.76
068633	425	UNITED BANKCARD CENTER		\$ -	\$ 61.23	\$ 61.23
068633	425	UNITED BANKCARD CENTER		\$ -	\$ 71.76	\$ 71.76
068633	425	UNITED BANKCARD CENTER		\$ -	\$ 42.90	\$ 42.90
068633	425	UNITED BANKCARD CENTER		\$ -	\$ 48.62	\$ 48.62
068633	425	UNITED BANKCARD CENTER		\$ -	\$ 19.48	\$ 19.48
068633	425	UNITED BANKCARD CENTER		\$ -	\$ 97.91	\$ 97.91
068633	428	UNITED BANKCARD CENTER		\$ -	\$ 49.99	\$ 49.99
068633	433	UNITED BANKCARD CENTER		\$ -	\$ 40.23	\$ 40.23
068633	439	UNITED BANKCARD CENTER		\$ -	\$ 25.00	\$ 25.00
068633	439	UNITED BANKCARD CENTER		\$ -	\$ 18.00	\$ 18.00
068633	700	UNITED BANKCARD CENTER		\$ -	\$ 194.95	\$ 194.95
068633	700	UNITED BANKCARD CENTER		\$ -	\$ 159.24	\$ 159.24
068633	700	UNITED BANKCARD CENTER		\$ -	\$ 18.00	\$ 18.00
068633	700	UNITED BANKCARD CENTER		\$ -	\$ 710.92	\$ 710.92
068633	711	UNITED BANKCARD CENTER		\$ -	\$ 110.88	\$ 110.88
068633	711	UNITED BANKCARD CENTER		\$ -	\$ 3,465.60	\$ 3,465.60
068633	711	UNITED BANKCARD CENTER		\$ -	\$ 430.66	\$ 430.66
068633	711	UNITED BANKCARD CENTER		\$ -	\$ 104.94	\$ 104.94
068633	712	UNITED BANKCARD CENTER		\$ -	\$ 3,526.17	\$ 3,526.17
068633	712	UNITED BANKCARD CENTER		\$ -	\$ 465.50	\$ 465.50
068633	712	UNITED BANKCARD CENTER		\$ -	\$ 2,149.14	\$ 2,149.14
068633	712	UNITED BANKCARD CENTER		\$ -	\$ 216.97	\$ 216.97
068633	712	UNITED BANKCARD CENTER		\$ -	\$ 259.96	\$ 259.96
068633	716	UNITED BANKCARD CENTER		\$ -	\$ 181.67	\$ 181.67
068633	716	UNITED BANKCARD CENTER		\$ -	\$ 52.50	\$ 52.50
068634	440	WV CODE OFFICIALS ASSOC	50222	\$ 150.00	\$ -	\$ 150.00
068635	PAYROL L	WV CPRB/LOAN DIVISION		\$ -	\$ 133.20	\$ 133.20
068636	439	XEROX CORPORATION	49952	\$ 644.97	\$ -	\$ 644.97
068637	413	BETHEL METHODIST CHURCH		\$ -	\$ 100.00	\$ 100.00
068638	413	CAMP HILL WESLEY UNITED		\$ -	\$ 150.00	\$ 150.00
068639	413	CHARLES TOWN BAPTIST		\$ -	\$ 100.00	\$ 100.00

068640	413	COVENANT BAPTIST CHURCH		\$ -	\$ 100.00	\$ 100.00
068641	413	FIRST BAPTIST CHURCH		\$ -	\$ 100.00	\$ 100.00
068642	413	KABLETOWN METHODIST CHRC		\$ -	\$ 150.00	\$ 150.00
068643	413	LEETOWN METHODIST CHURCH		\$ -	\$ 100.00	\$ 100.00
068644	413	SHEPHERDSTOWN FIRE DEPT		\$ -	\$ 200.00	\$ 200.00
068645	413	BLUE RIDGE MTN VOL FIRE		\$ -	\$ 100.00	\$ 100.00
068646	413	OAKLAND METHODIST CHURCH		\$ -	\$ 100.00	\$ 100.00
068647	413	JEFFERSON COUNTY COUNCIL		\$ -	\$ 100.00	\$ 100.00
068648	413	COUNTRY DAY SCHOOL		\$ -	\$ 200.00	\$ 200.00
068649	413	TRINITY EPISCOPAL CHURCH		\$ -	\$ 100.00	\$ 100.00
068650	413	FELLOWSHIP BIBLE CHURCH		\$ -	\$ 200.00	\$ 200.00
068651	413	SUMMIT PT BAPTIST CHURCH		\$ -	\$ 100.00	\$ 100.00
068652	413	RICHARD SHIPLEY		\$ -	\$ 64.94	\$ 64.94
TOTAL						\$ 141,673.52
TOTAL				\$9,656.32	\$132,017.20	\$ 141,673.52

PUBLIC COMMENT:

- Ms. Annette van Hilst & Mr. Bob Baronner request a postponement of the Public Meeting regarding the Bank of Charles Town.
- Mr. Reese Clabaugh expressed his desire to be more involved in State, County and Local issues.

Ms. Maghan gave a brief update as to the status of the required recount for the two precincts.

PRESENTATIONS:

1. Jan Dougherty, Kiwanis of Charles. Request for donation to help with Santa's Toy Shop for 2012.
 - **Motion by Mr. Manuel to donate \$1,500 to help with Santa's Toy Shop for 2012. Motion seconded by Ms. Widmyer and unanimously approved.**
2. Jennifer Brockman, Director of Planning and Zoning
 - a. Approval of Job Offer for two-year temporary Comprehensive Plan, Planner Position.
 - **Motion by Ms. Widmyer to approve the recommendation of the Director of Planning and Zoning to hire Christopher Whittaker to fill a two-year temporary Comprehensive Plan Planner for the Departments of Planning and Zoning in accordance with the Department of Planning's budgeted position, starting December 10, 2012. Motion seconded by Mr. Pellish and unanimously approved.**
 - b. Approval to advertise to fill the vacant budgeted position of Project/Office Manager.

- **It was the unanimous consent of the Commissioners that Jennifer Brockman, Director of Planning & Zoning advertize for the Project/Office Manager position, as well as the position of Planning Clerk.**
- c. Approval to sign Contract with a Facilitator for the Envision Jefferson 2035 Public Input Meetings.
- **Motion by Ms. Morgan to approve the contract with Judy Rodgers of Breakthrough Achievements LLC for the purpose of hiring a Professional Facilitator by the Departments of Planning and Zoning to complete the task described above, pending approval and possible edits by the Assistant and Prosecuting Attorney and receiving recommendations from past clients of Ms. Rodgers. Motion seconded by Mr. Pellish and unanimously approved.**

NEW BUSINESS:

3. Laura Kuhn, Maintenance. Request Approval of Grant Application – State Historic Preservation Office, Development Grant.
 - **Motion by Mr. Manuel to approve the grant application for the State Historic Preservation Office Development Grant for restoration work to the Jefferson County Courthouse clock tower, roof, guttering and soffits. Motion seconded by Mr. Pellish and unanimously approved.**
4. Barb Miller, Director of Homeland Security and Emergency Management. Grant Proposal Approval.
 - **Motion by Mr. Manuel to approve the Grant Proposal for the Emergency Management Planning Grant for the Calendar Year 2012 and authorize the President of the Commission to sign the application. Motion seconded by Mr. Pellish and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS:

- Discussion on Briel Building Contract – to be handled in Executive Session.
 - Ms. Keyser reported that the IT RFP is completed and ready to advertize by Monday, November 19, 2012.
 - Ms. Keyser reported that Mr. Fagan, (GIS) had received two grants for the Document Content Management System. He will be put on the agenda for November 29, 2012 to make a presentation to the Commission.
 - Department Head Training Session, Budget Process, was held on Wednesday November 14, 2012. Mr. Shoyer will be on the agenda November 29 regarding Capital Project prioritization.
 - First Energy has provided a video which talks about their responsiveness to the community. It is available for you to view.
 - Discussion on Settlement Payment to Smith. Ms. Keyser requests a correction in the Minutes reflecting the outcome of the decision regarding the settlement to Mr. Smith. The minutes should read that in Executive Session the Commission agreed to settle the Smith claim.
5. The Commission took a short break at 10:30 am.
The Commission reconvened at 10:47 am.

COUNTY COMMISSIONER REPORTS:

Commissioner Manuel:

- **Met with the Mayors of Bolivar and Harpers Ferry on rezoning matters.**
- **Participated in the Canvassing of the General Election.**
- **Attended the Open House at the Development Authority.**
- **Met with the Engineering Department on an issue before Property Safety Committee regarding a home located in Walnut Grove.**

Commissioner Morgan:

- **Attended the Farmland Protection Board Meeting.**
- **Attended the Day Report Center Board Meeting.**

Commissioner Noland:

- **Attended the Development Authority Open House.**
- **Participated in the Canvassing of General Election.**

Commissioner Pellish:

- **Appeared on the Shepherd University Radio Show.**
- **Participated in the Canvassing of General Election.**
- **Attended the Economic Development Authority Meeting.**
- **Attended the Planning Commission Meeting.**
- **Attended the Closing Ceremonies of the Shepherdstown 250 Celebration.**

Commissioner Widmyer:

- **Went to Ogleby Park, Opening Weekend for the Festival of the Lights.**
- **Participated in the Closing Ceremonies of the Shepherdstown 250 Anniversary.**
- **Participated in Canvassing of the General Election.**
- **Attended the League of Women Voters Annual Meeting.**

UNFINISHED BUSINESS:

6. Jennifer Brockman, Director of Planning and Zoning. Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 34.7 acre property owned by Jefferson Asphalt Products, Inc., designated as Tax District: Charles Town, Map: 13, Parcel: 7, located on the south side of Route 51 near the Tusawilla Hills entrance approximately 2 miles west of Charles Town, for the purpose of setting a public hearing to be held by the County Commission.

Motion by Mr. Pellish to schedule a Public Hearing on the Proposed Zoning Map Amendment for 34.27 acre property owned by Jefferson Asphalt Products, Inc., designated as Tax District: Charles Town, Map: 13, Parcel: 7, located on the south side of Tusawilla Hills entrance approximately 2 miles west of Charles Town, on January 10, 2013 at 7 pm. Followed immediately by a Public Hearing on the Proposed Zoning Map Amendment for 8.07 acre property owned by John D. Lowe, III, designated as Tax District: Shepherdstown, Map:8, Parcel: part 5, located on the south side of Route 45 and the east side of Potomac Farms Road. Motion seconded by Mr. Manuel and approved by a vote of 4-1 with Ms. Widmyer opposing. Ms. Widmyer requested that the record reflect her desire that Public Meetings should be held on

separate evenings.

7. Jennifer Brockman, Director of Planning and Zoning. Recommendation of the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for a 8.07 acre property owned by John D. Lowe, III, designated as Tax District: Shepherdstown, Map:8, Parcel: part 5, located on the south side of Route 45 and the east side of Potomac Farms Road, for the purpose of setting a public hearing to be held by the County Commission.
 - o Item 7 was included in the motion for item 6.

Stephanie Grove, Assistant Prosecuting Attorney. Discussion regarding request from Bank of Charles Town for postponement of Public Hearing.

Legal Counsel stated that the rescheduling of this particular Public Hearing was a routine scheduling matter. The Commission felt a vote on this matter was necessary because the Commission does not meet again until the day on which the hearing is scheduled. Additionally, the Planning Commission has already held the only statutory required public hearing.

- o **Motion by Mr. Pellish to postpone the Bank of Charles Town Public Hearing scheduled for November 29, 2012. Motion seconded by Mr. Manuel. Motion passes on a vote of 3-2 with Ms. Morgan and Ms. Widmyer opposing.**
 - o **Motion by Mr. Pellish to reconsider wording of previous motion and changing to read – “Postpone the Bank of Charles Town Public Hearing scheduled for November 29, 2012 as requested in the letter from the Bank of Charles Town till early 2013.” Motion seconded by Mr. Manuel. Motion passes 3-2 with Ms. Morgan and Ms. Widmyer opposing.**
8. Jennifer Brockman. Director of Planning and Zoning. Request for County Commission Approval of the US 340 Corridor East Gateway Plan, Incorporating Staff Recommended Changes Based on Public Comment.
 - o **Motion by Ms. Morgan that the County Commission directs the staff to make the recommendation to the US 340 Corridor East Gateway Plan available to the Comprehensive Plan Steering Committee for consideration during the process of the Comprehensive Plan. Motion dies for the lack of a second.**
 - o **Motion by Ms. Widmyer that the County Commission review and approve the goals and objectives for the corridor and that we review and approve for transmittal to the Citizens Advisory Committee the Transportation Study findings, not the responses, but the findings to the Steering Committee. Motion dies for lack of second.**
 - o **Motion by Ms. Widmyer to go through the comments received at the October 4, 2012 County Commission Public Hearing, and review the yellow highlighted areas that the staff recommends changes. Address comments after the review is completed. Motion seconded by Ms. Morgan. Motion passes on a vote of 3-2 with Ms. Noland and Mr. Pellish opposing.**
 - o **No action was taking regarding the US 340 Corridor East Gateway Plan.**
 9. Decision on Impact Fee Affordable Housing Discount. Stephanie Grove, Assistant Prosecuting Attorney.
 - o **Motion by Mr. Manuel to approve the Affordable Housing amendments as drafted. Motion seconded by Ms. Morgan and unanimously approved.**
 - o **It was the consensus of the Commission that December 1, 2012 will be the effective date.**

10. 1:30 pm. Roger Goodwin, Chief County Engineer. Property Safety Enforcement Agency – Hearing on a code violation under the Property Safety Enforcement Ordinance. Hearing on Case 11-002 (Hill).
Property located at 10073 Charles Town Road.
Charles Town Tax District, Map 2, Parcel 20.
Deed Book 395, Page 529

- **Motion by Mr. Manuel to find the property located at 10073 Charles Town Road, Charles Town Tax District, Map 2, Parcel 20, Deed Book 395, page 529 in violation of the Property Safety Enforcement Ordinance and to issue the Order to the property owner, as presented on page two (2) of the ORDER. Motion seconded by Mr. Pellish and unanimously approved.**

Ms. Maghan, County Clerk returned with an update of the counting of ballots for Precincts 14A & 14B. The County Commission will return at 3pm for the continuation of the Canvassing of the General Election.

- **Motion by Mr. Manuel to enter into an executive session in accordance with WV Code §6-9A-4(9), to consider matters involving or affecting the purchase, sale or lease of property, in regard to 201 N. George Street , Charles Town, WV. Motion seconded by Mr. Pellish and unanimously approved.**
- **Motion by Mr. Pellish to conclude the executive session and reconvene the regular meeting of the County Commission. Motion seconded by Mr. Manuel and unanimously approved.**

COUNTY ADMISITRATOR REPORT (CONTINUED)

- **Motion by Mr. Pellish to allow the County Administrator to continue negotiations on the Briel Building as discussed in Executive Session. Motion seconded by Ms. Widmyer and approved on a vote of 4-1 with Ms. Morgan opposing.**
- **Motion by Mr. Manuel that Keller Williams is our agent in the negotiation on the Briel Building with the proviso that there is no cost to the Commission. Motion seconded by Ms. Morgan. Vote passes 4-1 with Ms. Morgan opposing.**

There being no further business, the meeting was adjourned at 2:50 pm on a motion by Mr. Pellish and seconded by Ms. Widmyer. Motion unanimously approved.

PATRICIA A. NOLAND, PRESIDENT

