

# Minutes

## Jefferson County Commission

Thursday, September 5, 2013

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A meeting of the Jefferson County Commission was held on Thursday, September 5, 2013 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 Dale Manuel, Patsy Noland, Walter Pellish, Jane Tabb and Lyn Widmyer. Also present were Debbie Keyser, County Administrator, Cynthia Schott, Executive Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the September 5, 2013 meeting is available through the Jefferson County Commission Office.)

### PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

### APPROVAL OF PURCHASE ORDERS

**Motion by Ms. Noland to approve revised Purchase Orders in the amount of \$3,406.26 to include P.O. Nos. 51796, 52112, 52113, 51650 and 50343. Motion seconded and unanimously approved.**

### APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
070620	402	BANK OF CHARLES TOWN	51794	\$ 48.40	\$ -	\$ 48.40
070621	412	BARDANE PUBLIC HEALTH CT		\$ -	\$ 383.00	\$ 383.00
070622	424	B-K OFFICE SUPPLY INC	51871	\$ 596.50	\$ -	\$ 596.50
070623	424	BOLAND SERVICES	51874	\$ 834.00	\$ -	\$ 834.00
070624	401	201 N. GEORGE ST LLC		\$ -	\$ 9,638.92	\$ 9,638.92
070625	405	MARCIA L. CHANDLER, RPR	51649	\$ 211.75	\$ -	\$ 211.75
070626	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
070627	403	COAST TO COAST COMPUTER	51447	\$ 232.00	\$ -	\$ 232.00
070627	403	COAST TO COAST COMPUTER	51448	\$ 232.00	\$ -	\$ 232.00
070628	424	DAYCON	51867	\$ 1,437.58	\$ -	\$ 1,437.58
070629	425	DEHAVEN BERKELEY SPRINGS		\$ -	\$ 63.75	\$ 63.75
070630	717	DONALD B. RICE TIRE CO.	51872	\$ 1,402.44	\$ -	\$ 1,402.44
070631	425	GRAINGER, INC	51868	\$ 108.48	\$ -	\$ 108.48
070631	425	GRAINGER, INC	51870	\$ 359.83	\$ -	\$ 359.83

070632	401	HIRERIGHT		\$ -	\$ 52.60	\$ 52.60
070633	700	ALBERT HOCKMAN		\$ -	\$ 178.50	\$ 178.50
070634	700	BRANDON HAYNES		\$ -	\$ 178.50	\$ 178.50
070635	439	JEFFERSON PUBLISH CO INC	50342	\$ -	\$ 66.52	\$ 66.52
070636	700	MCKINNEY'S AUTO REPAIR	51510	\$ 138.03	\$ -	\$ 138.03
070637	413	JENNIFER S. MAGHAN		\$ -	\$ 76.00	\$ 76.00
070638	700	MILLER'S CHRYSLER JEEP	51512	\$ 308.64	\$ -	\$ 308.64
070638	717	MILLER'S CHRYSLER JEEP	51873	\$ 100.04	\$ -	\$ 100.04
070639	700	ROBIN MAHONY		\$ -	\$ 5.19	\$ 5.19
070640	424	NEOPOST USA INC.	51865	\$ 2,660.00	\$ -	\$ 2,660.00
070641	716	NO RULES LETTERING 2013	50369	\$ 400.00	\$ -	\$ 400.00
070642	402	PIFER OFFICE SUPPLY, INC	51633	\$ 107.64	\$ -	\$ 107.64
070642	402	PIFER OFFICE SUPPLY, INC	51795	\$ 29.88	\$ -	\$ 29.88
070643	413	ALICE N. PAINTER		\$ -	\$ 76.00	\$ 76.00
070644	402	RECORD MANAGEMENT SOLUTN	51631	\$ 35.00	\$ -	\$ 35.00
070645	PAYROLL	RETIREE HLTH BENEFIT TRS		\$ -	\$ 6,668.00	\$ 6,668.00
070646	704	ST/WV REGIONAL JAIL &	50071	\$ 97,658.00	\$ -	\$ 97,658.00
070647	700	SUPERIOR AUTO BODY	51509	\$ 641.26	\$ -	\$ 641.26
070648	MISC	SHERIFF OF JEFFERSON CO		\$ -	\$ 1,763.69	\$ 1,763.69
070649	975	SUMMIT COMMUNITY BANK		\$ -	\$ 2,441.41	\$ 2,441.41
070650	MISC	SHERIFF OF JEFFERSON CO		\$ -	\$ 3,029.00	\$ 3,029.00
070651	MISC	SHERIFF OF JEFFERSON CO		\$ -	\$ 6,250.00	\$ 6,250.00
070652	MISC	SHERIFF OF JEFFERSON CO		\$ -	\$ 60,470.28	\$ 60,470.28
070653	716	VALLEY PET CEMETERY	50370	\$ 435.00	\$ -	\$ 435.00
070654	700	BENJAMIN S. WILLIAMS		\$ -	\$ 231.00	\$ 231.00
070655	700	JOSEPH WINDLE		\$ -	\$ 231.00	\$ 231.00
070656	700	JOSEPH WINDLE		\$ -	\$ 12.35	\$ 12.35
070657	425	WINCHESTER SECURITY,LLC	51869	\$ 665.00	\$ -	\$ 665.00
070658	402	XEROX CORPORATION	51632	\$ 1,181.81	\$ -	\$ 1,181.81
070658	439	XEROX CORPORATION	50339	\$ 537.31	\$ -	\$ 537.31
070659	413	CHEROKEE GRIM		\$ -	\$ 76.00	\$ 76.00
070660	413	WENDY EVANGELISTI		\$ -	\$ 76.00	\$ 76.00
<b>TOTAL</b>						<b>\$ 203,828.30</b>
<b>TOTAL</b>				<b>\$ 110,360.59</b>	<b>\$ 93,467.71</b>	<b>\$ 203,828.30</b>

**Motion by Ms. Widmyer to approve the accounts payable for September 5, 2013 in the amount of \$203,828.30. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Dr. Bob Jones, Medical Director of the JCESA, spoke in favor of supporting the Jefferson County Emergency Services Agency Fee Ordinance.

Daniel Lutz, resident came to present to each Commissioners a quart of his award winning tomato mincemeat with venison chutney.

**PRESENTATIONS:**

1. The Honorable John Unger, West Virginia Senator presented a Community Participation Grant to the Good Shepherd Caregivers in the amount of \$10,000. Paula Reese, Executive Director of Good Shepherd Caregivers accepted on behalf of Good Shepherd Caregivers.
2. Angie Banks, Assessor – Exonerations

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Dennis & Gayle Drury	Charles Town District	Personal Property	301578	\$565.42

- **Motion by Ms. Widmyer to approve the Exoneration for Dennis & Gayle Drury as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Elmer L. & Mary Vickers	Middleway District	Personal Property	313096	\$91.12

- **Motion by Ms. Noland to approve the Exoneration for Elmer L. & Mary Vickers as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Timothy Utterback, Jr.	Charles Town District	Personal Property	304734	\$287.38

- **Motion by Ms. Tabb to approve the Exoneration for Timothy Utterback, Jr. as presented by the Assessor. Motion seconded and unanimously approved.**

3. Bidding/Contract Policy – Ms. Keyser stated the policy presented is from the State of West Virginia. Ms. Keyser stated amounts presented in the policy can be adjusted.
  - **Motion by Ms. Noland to adopt the Bidding & Contract Policy as presented by the County Administrator with the addition of “review of contracts in conjunction of the budget review”. Motion seconded and approved on a vote of 4-1 with Ms. Widmyer opposing.**
4. Vehicle/Fleet Policy – Ms. Keyser stated this policy basically combines all the separate policies dealing with vehicles. Ms. Keyser also stated, this policy would allow for one department to oversee the vehicles owned by County, Ms. Keyser recommended this department be Maintenance, Bill Polk.
  - **Motion by Ms. Noland to adopt the Vehicle/Fleet Policy as presented by the Administrator adding all vehicles shall be titled to the County and an annual report regarding the County’s vehicle/fleet should be presented during the budget review. Motion seconded and unanimously approved.**
5. John Galloway, Location Scout/Location Manager requesting the use of the Jefferson County Courthouse and Jefferson County old jail for filming of a WWI, WWII Mini Series Documentary at some point during the three week period of Monday September 30, 2013 through October 18, 2013. Stephen David Entertainment Production Company is the production company filming the Documentary. Stephen David Entertainment Production Company will enter into a location agreement with the County after a site visit and determination of the scope of work.
  - **Motion by Mr. Manuel to approve use of the Courthouse and Old Jail by Stephen David Entertainment Production Company for filming of a WWI, WWII Mini Series Documentary with the understanding a location agreement will be reviewed by our legal staff. Motion seconded and unanimously approved.**
6. Peggy Smith, Mayor of Charles Town began by thanking the County Commission for their support of the Jefferson County Convention and Visitors Bureau. In an attempt to encourage tourism in Charles Town, Mayor Smith requested permission of the County Commission for tours of the Courthouse for six (6) weeks beginning September 21, September 28 and Saturdays in October, 2013. Mayor Smith invited the Commissioners to a VIP tour on September 14, 2013 at 10 am.
  - **Motion by Mr. Pellish to approve the request as presented by Mayor Smith, City of Charles Town, to have tours of the Courthouse on September 21, 28 and Saturdays in October, 2013. Motion seconded and unanimously approved.**

### **Administrator's Report:**

- Ms. Keyser gave an update of the cash flow from the Tax Department; the County has collected \$3 million along with the million on hand.
- Ms. Keyser reported the Prosecuting Attorney has hired Lindsay Leatherman to replace a vacancy in the Prosecuting Attorney Office. Ms. Leatherman will begin on September 16, 2013.
- Ms. Keyser reported the Highway Department has determined the intersection of Route 9 and Chestnut Hill does meet the sight requirements, but will be installing a light and flashing beacons at the intersection.
- The meeting scheduled with Frontier & Comcast has been set up and representatives will be appearing before the Commission on September 19, 2013.
- Ms. Keyser inquired if the Commissioners are available to attend a budget workshop and a visit with a potential Financial Director candidate on Wednesday, September 11 at 2pm. The Commissioners concurred and agreed to meet.

### **PRESENTATIONS CONTINUED:**

7. Don Orser, resident - came before the commission to request the Exoneration for six (6) tax tickets for 2013. Mr. Orser believes there is no legal basis for these tax tickets as they are actually for 2012. Ms. Grove, Assistant Prosecuting Attorney stated the Commission can't give exoneration if the Assessor is not in agreement. Ms. Banks, County Assessor is not in agreement.
  - **Motion by Mr. Pellish to deny the request for exoneration. Motion seconded and unanimously approved.**
8. Roger Goodwin, Chief Engineer – gave an update on the adoption of the Stormwater Ordinance and the related Texts Amendments to the Land Development Regulations. Mr. Goodwin presented a brief overview of the Stormwater Ordinance which will be presented at a Public Hearing on September 19, 2013. Mr. Goodwin stated no motions or action were required at this time.
9. The Commission recessed for break at: 11 am  
The Commission reconvened from break at: 11:15 am.
10. Debbie Keyser, County Administrator and Tom Reilly, IT Consultant came before the Commission to present an update on IT and the IT Position. Ms. Keyser started by informing the Commission that Ms. Charlotte Hernandez, resigned as of September 4, 2013. Mr. Reilly presented an IT Power Point highlighting three different approaches the Commission can utilize in filling the IT position. The option consisted of an 1) a full-time IT Manager (an employee of the County) 2) Contracted Full Time IT Manager 3) Contracted IT Management Team and Part-Time Employee. Mr. Reilly highlighted the value and advantage of each option.
  - **Motion by Mr. Manuel to enter into contractual negotiations for a 9-12 months contract for an IT Management Team while moving forward to hire**

**a part-time IT employee. (This is with the understanding the position vacated by Ms. Hernandez is replaced and not included in the above). Motion seconded and unanimously approved.**

- **Motion by Mr. Pellish to direct the Administrator to enter into a short term contract with Mr. Reilly to help with the IT help desk due to Charlotte's departure, until a replacement can be found. Motion seconded and unanimously approved.**

11. Ms. Brockman, Director of Planning and Zoning – requested, on behalf of the Planning Commission, that the County Commission reconsider their Motion of October 25, 2012 regarding the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories. Ms. Brockman stated the legal counsel agreed that the item could be revisited at this time without another public hearing as long as the amendments under consideration were all a part of the September 6, 2012 Public Hearing held by the County Commission. Ms. Brockman answered concerns expressed by the Commission at a previous meeting concerning the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories. Ms. Brockman stated staff recommendations are included in the proposed plan including concerns brought up by the public at the Public Hearing.

- **Motion by Ms. Widmyer to affirm the decision of the County Commission on October 25, 2012, to postpone approving the new Commercial and Industrial Zoning Categories until the work on the Comprehensive Plan is complete, and incorporate them into the Comprehensive Plan. Motion fails and on a vote of 2-3 with Mr. Pellish, Ms. Tabb and Ms. Noland opposing.**
- **Motion by Ms. Tabb that the proposed new Zoning Ordinance Text Amendments Related to the new Commercial and Industrial Zoning Categories is scheduled for a Public Hearing before the County Commission as soon as possible. Motion seconded and unanimously approved.**

Ms. Brockman requested the County Commission schedule a Public Hearing to hear minor amendments to the Jefferson County Zoning and Land Development Ordinance to the Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 9.5, 10.5, 11.1, 12.2, and Appendix C (agricultural Use and Other Amendments). Ms. Brockman stated these amendments are very minor and recommends the County Commission move forward to hold a Public Hearing

- **Motion by Mr. Pellish to schedule a Public Hearing as requested, on the minor amendments to the Jefferson County Zoning and Land Development.**
- **Ordinance sections as specified in the agenda. Motion seconded and unanimously approved.**

12. The Commission recessed for lunch at 12:38 pm.

The Commission reconvened from lunch at: 1:32 pm.

13. Doug Pittinger, Director of Jefferson County Emergency Services Agency (JCESA) and Mr. Williams, JCESA - Mr. Pittinger stated the JCESA is returning to the Commission with a revised budget and potential fee rates as requested by the County Commission. Mr. Pittinger stated the JCESA Board had unanimously approved the revised budget. Mr. Pittinger highlighted changes to the budget and justified the need for the proposed requested budget for the potential ambulance fee. Mr. Williams stated the Board of the JCESA is happy with the budget as presented as it creates the positions that have been asked for and in need of for so long. Mr. Williams stated one of the functions of the JCESA is to advocate for the fire departments and believes this ambulance fee is a double edge sword for the fire companies. Although this addresses the staffing the fire companies require, it will adversely affect the fundraising of the fire companies.

- **Motion by Mr. Manuel to put the ordinance as amended back before the body. Motion is seconded and unanimously approved.**
- **Motion by Mr. Manuel to adopt option #4, and move the fee from \$85 to \$60 and move it into the document. Motion seconded and fails on a vote of 2-3 with Ms. Tabb, Ms. Noland and Mr. Pellish opposing.**
- **Motion by Mr. Manuel to adopt option #5, \$55 fee to replace the \$85 fee in the document. Motion seconded and fails on a vote of 2-3 with Ms. Tabb, Ms. Noland and Mr. Pellish opposing.**
- **Motion by Mr. Pellish to institute the ambulance fee at \$40 per year. Motion seconded and passes on a vote of 3-2 with Mr. Manuel and Ms. Widmyer opposing.**
  - **Mr. Manuel offered a subsidiary motion to postpone the vote to the next meeting of the County Commission. Motion seconded and fails on a vote of 2-3 with Ms. Tabb, Ms. Noland and Mr. Pellish opposing.**
- It was the consensus of the Commission to hold over the vote on the Ambulance fee until a clean copy is submitted to the Commission. It was the direction of the Commission the JCESA will submit a new calculation for the ambulance fee with the \$40 fee.

14. Follow-up on discussion regarding contracting the position of the Financial Consultant for the Jefferson County Commission. Ms. Noland requested this issue to be discussed in Executive Session. Ms. Widmyer expressed her concern over discussing consultant negotiations being held in Executive Session. Ms. Widmyer stated she had contacted the Ethics Committee to offer a written opinion on the topic and was told one would be forthcoming in seven (7) working days. Ms. Widmyer requested the Commission delay

this issue until the opinion can be read. It was the opinion of Counsel the Commission was in compliance of the law in their use of Executive Session in this instance.

- **Motion by Ms. Noland to enter into Executive Session to discuss contract negotiations for the position of Financial Consultant citing State Code § §6-9A-4(2)(A), Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting. Motion seconded and approved on a vote of 4-1 with Ms. Widmyer opposing.**
- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland for the County Commission to enter into contract negotiations with Leslie Smith to analyses the current financial condition of the county, review the budget for FY 2014 and or reconstruct the budget for FY 2014, prepare and submit a written report regarding findings and recommendations to the County with respect to the preparation and presentation of annual budget review and reconstruct previous years budgets as necessary, work with and collaborate with Elected Officials, Department Heads and other employees as required and needed to gain data and information relative to all above, consult with the State Auditor of WV as necessary to accomplish the task as set forth above consult with the State Tax Department as necessary to accomplish the task as set forth above, consult with other vendors to the County as necessary to accomplish the task as set forth above, with any cost attended there-to to be billed to the County to accomplish all the foregoing the County will provide all fiscal related documentation requested by the Consultant, the Consultant will need read only access to all the County financial data with a contract to be negotiated for not more than \$10,000 for over a period of not more than thirty days. Motion seconded and approved on a vote of 4-1 with Ms. Widmyer opposing.**

The Commission meeting was adjourned at 4:35 p.m. on a motion by Ms. Tabb. Motion was seconded and unanimously approved.

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DALE MANUEL, PRESIDENT

Respectfully submitted  
Cynthia C. Schott  
Administrative Assistant

