

Minutes

Jefferson County Commission

Thursday, December 5, 2013

A meeting of the Jefferson County Commission was held on Thursday, December 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, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the Thursday, December 5, 2013 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 Special Session Legislative Summit Minutes of November 12, 2013. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the Regular Meeting Minutes of November 21, 2013. Motion seconded and unanimously approved.

Motion by Mr. Manuel to approve the Public Hearing Minutes of November 21, 2013. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$63,254.22 to include P.O. Nos. 52176, 51459, 49839, 51673, 51809, 51810, 52228, 52173, 52175, 50346, 51664, and 52121. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
071173	406	ASSESSOR OF JEFFERSON CO	51422	\$ 48.16	\$ -	\$ 48.16
071174	712	AT&T/GA		\$ -	\$ 78.38	\$ 78.38

071175	700	MATTHEW ARMEL		\$ -	\$ 308.00	\$ 308.00
071176	700	BRUCES 24 WRECKER SERVIC	51538	\$ 382.34	\$ -	\$ 382.34
071177	425	B-K OFFICE SUPPLY INC	52164	\$ 548.25	\$ -	\$ 548.25
071177	425	B-K OFFICE SUPPLY INC	52172	\$ 548.25	\$ -	\$ 548.25
071178	425	BOLAND SERVICES	52171	\$ 328.00	\$ -	\$ 328.00
071179	401	201 N. GEORGE ST LLC		\$ -	\$ 9,638.92	\$ 9,638.92
071180	403	CASTO & HARRIS INC	51453	\$ 174.41	\$ -	\$ 174.41
071181	712	FRONTIER WV, INC		\$ -	\$ 380.00	\$ 380.00
071182	405	MARCIA L. CHANDLER, RPR	51661	\$ 870.10	\$ -	\$ 870.10
071183	425	DODSON'S SEPTIC	52169	\$ 260.00	\$ -	\$ 260.00
071184	425	DAYCON	52163	\$ 818.21	\$ -	\$ 818.21
071185	717	DONALD B. RICE TIRE CO.	52166	\$ 1,298.73	\$ -	\$ 1,298.73
071186	701	GALLS,LLC/QUATERMASTER L	51539	\$ 2,975.83	\$ -	\$ 2,975.83
071187	404	JEFFERSON PUBLISH CO INC	52122	\$ 4,765.26	\$ -	\$ 4,765.26
071187	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 33.74	\$ 33.74
071188	425	JEFFERSON RENTAL	52170	\$ 244.52	\$ -	\$ 244.52
071189	712	DR ROBERT JONES		\$ -	\$ 1,000.00	\$ 1,000.00
071190	700	LAW ENFORCEMENT SYS INC	51533	\$ 167.00	\$ -	\$ 167.00
071191	405	MATTHEW BENDER & CO	51660	\$ 246.18	\$ -	\$ 246.18
071192	405	HARRY A. MILMAN, PH.D	51663	\$ 2,457.10	\$ -	\$ 2,457.10
071193	425	MOORE MEDICAL LLC	51916	\$ 11,818.66	\$ -	\$ 11,818.66
071194	404	PIFER OFFICE SUPPLY, INC	52119	\$ 211.80	\$ -	\$ 211.80
071194	406	PIFER OFFICE SUPPLY, INC	51420	\$ 336.44	\$ -	\$ 336.44
071195	425	RCS SECURITY		\$ -	\$ 1,074.00	\$ 1,074.00
071196	700	RAY ALLEN MFG,LLC.	51537	\$ 259.98	\$ -	\$ 259.98
071197	700	RICK'S WELDING&CRANE SRV	51535	\$ 480.00	\$ -	\$ 480.00
071198	404	SHERIFF OF JEFFERSON CO	52120	\$ 136.43	\$ -	\$ 136.43
071199	403	SOFTWARE SYSTEMS, INC	51457	\$ 171.41	\$ -	\$ 171.41
071200	704	ST/WV REGIONAL JAIL &	51804	\$ 108,417.75	\$ -	\$ 108,417.75
071201	700	SUPERIOR AUTO BODY	51534	\$ 1,212.09	\$ -	\$ 1,212.09
071202	716	TEVA/TOTAL EQUINE VET AS	51894	\$ 389.00	\$ -	\$ 389.00
071203	716	DOROTHY TURLEY		\$ -	\$ 335.50	\$ 335.50
071204	716	VALLEY EQUINE ASSOC/V.E.	51920	\$ 325.50	\$ -	\$ 325.50
071205	716	WV BOARD VETERINARY MED	51919	\$ 150.00	\$ -	\$ 150.00
071206	440	WV CODE OFFICIALS ASSOC	50242	\$ 150.00	\$ -	\$ 150.00
071207	412	WPS,INC	50023	\$ 74.90	\$ -	\$ 74.90
TOTAL						\$ 153,114.84
TOTAL				\$ 140,266.30	\$ 12,848.54	\$ 153,114.84

Motion by Mr. Manuel to approve the accounts payable for November 27, 2013 in the amount of \$153,114.84. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
071210	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
071211	PAYROLL	BUREAU FOR CHILD SUPPORT		\$ -	\$ 28.85	\$ 28.85
071212	PAYROLL	BUREAU F/CHILD SPVRT ENF		\$ -	\$ 212.31	\$ 212.31
071213	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
071214	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
071215	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
071216	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
071217	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
071218	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
071219	PAYROLL	DELTA DENTAL OF WV		\$ -	\$ 5,842.87	\$ 5,842.87
071220	PAYROLL	GUARDIAN - APPLETON		\$ -	\$ 1,984.44	\$ 1,984.44
071220	PAYROLL	GUARDIAN - APPLETON		\$ -	\$ 1,697.97	\$ 1,697.97
071221	700	KATHY HERTELENDY		\$ -	\$ 8.46	\$ 8.46
071222	PAYROLL	ING NATIONAL TRUST		\$ -	\$ 3,460.00	\$ 3,460.00
071223	GRANT	JEFFERSON CO EMERGENCY		\$ -	\$ 7,000.00	\$ 7,000.00
071224	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 40.00	\$ 40.00
071224	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,328.00	\$ 5,328.00
071225	PAYROLL	HIGHMARK WV		\$ -	\$ 186,881.46	\$ 186,881.46
071226	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
071227	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
071228	700	WILLIAM POTTER		\$ -	\$ 18.21	\$ 18.21
071229	402	RECORD MANAGEMENT SOLUTN	51631	\$ 35.00	\$ -	\$ 35.00
071230	PAYROLL	RETIREE HLTH BENEFIT TRS		\$ -	\$ 6,668.00	\$ 6,668.00
071231	401	SOFTWARE SYSTEMS, INC		\$ -	\$ 414.00	\$ 414.00
071231	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 57.50	\$ 57.50
071231	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 805.00	\$ 805.00
071231	405	SOFTWARE SYSTEMS, INC		\$ -	\$ 152.50	\$ 152.50
071231	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 52.00	\$ 52.00
071231	428	SOFTWARE SYSTEMS, INC		\$ -	\$ 517.22	\$ 517.22
071232	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 55.56	\$ 55.56
071232	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 13.00	\$ 13.00
071232	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,790.92	\$ 10,790.92
071232	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 46,140.28	\$ 46,140.28
071232	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,360.70	\$ 45,360.70
071232	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 62.34	\$ 62.34
071233	401	STAPLES CREDIT PLAN		\$ -	\$ 133.82	\$ 133.82

071233	412	STAPLES CREDIT PLAN		\$ -	\$ 233.02	\$ 233.02
071233	425	STAPLES CREDIT PLAN		\$ -	\$ 108.12	\$ 108.12
071234	975	SUMMIT COMMUNITY BANK		\$ -	\$ 2,441.41	\$ 2,441.41
071235	712	UPS		\$ -	\$ 32.14	\$ 32.14
071236	402	XEROX CORPORATION	51632	\$ 1,407.52	\$ -	\$ 1,407.52
TOTAL						\$ 331,725.84
TOTAL				\$ 1,442.52	\$ 330,283.32	\$ 331,725.84

Motion by Ms. Tabb to approve the accounts payable for December 5, 2013 in the amount of \$331,725.84 . Motion seconded and unanimously approved.

PUBLIC COMMENT:

Sandy McDonald, Deputy County Administrator – introduced Russell Burgess, the County’s new full-time IT specialist.

Martin Burke, resident – spoke regarding the sound levels in his neighborhood of Summit Point, specifically addressing the gunfire and bomb explosions from the nearby BSR, Inc. training center.

Patricia Rucker, resident – spoke regarding her concerns and frustrations over the amended Meeting Room Policy.

Charles Cheezum, resident – requested permission to address the Commission during interviews and appointments for the Public Service District vacancy to speak in support of applicant Gagan Batra.

PRESENTATIONS

1. The Honorable Tiffany Lawrence, West Virginia House of Delegates – presented the Commission with the West Virginia Community Partnership Grants for WestPEP and the Jefferson County Parks and Recreation Commission.
 - o John Risenweber, Director of the Jefferson County Development Authority, also spoke and introduced Bill Clark, the current Morgan County Economic Development Director and newly appointed Region Nine Director.

2. Craig Jennings, Preston County Commission President – spoke regarding Preston County’s experiences with hosting the All Good Music Festival.
 - o Ms. Keyser notified the Commission she received a letter late in the afternoon on Wednesday, December 4th from Ms. Junipa Contento on behalf of the All Good Festival stating they would be withdrawing their seasonal use permit to host their event in Jefferson County during the 2014 season. As a result, Mr. Jennings did not appear before the Commission to discuss Preston County’s experience with the All Good Festival.

3. Resolution in Recognition of Jeffrey Doran Bresee for his services on the Jefferson County Board of Zoning Appeals.
 - **Motion by Ms. Noland to adopt the Resolution in recognition of Jeffrey Doran Bresee for his services on the Jefferson County Board of Zoning Appeals as presented and authorize the President and fellow Commissioners to affix their signatures to the document. Motion seconded and unanimously approved.**
4. The Commission recessed for break at 10:12 am.
The Commission reconvened at 10:22 am.
5. Interviews and Appointments to the Jefferson County Public Service District for one six-year term ending December 1, 2019.
 - **Motion by Ms. Tabb to appoint Gagan Batra to the Jefferson County Public Service District for one six-year term ending December 1, 2019. Motion seconded and unanimously approved.**
6. Interviews and Appointments to the Jefferson County Parks and Recreation Commission for one unexpired term ending June 30, 2014.
 - **Motion by Ms. Widmyer to appoint Ranale Jones to the Jefferson County Parks and Recreation Commission for one unexpired term ending June 30, 2014. Motion seconded and unanimously approved.**
7. Lynn Fields, Deputy Probate Clerk – requested the Commission set a date and time for a public hearing for a verified Petition to Compel Amended Appraisement; Accounting; and to Remove the Executor Daniel D. Duncan – Estate of Gayle Botts Duncan, deceased.
 - **Motion by Ms. Tabb to request staff to work with Ms. Fields to establish a date and time to schedule a public hearing on the above listed probate matters. Motion seconded and unanimously approved.**
8. Peter Fricke, Middleway Conservancy Association, Inc. – requested the support of Middleway Conservancy’s application for a BAD Buildings Program Technical Assistance Grant with a letter to accompany application, and if the grant is awarded, nomination of a county representative to the Middleway BAD Buildings Team of residents and stakeholders.
 - **Motion by Ms. Tabb to submit a letter supporting the Middleway Conservancy Association’s application to the Brownfield, Abandoned and Dilapidated (BAD) Buildings Program for a technical assistance grant of \$10,000 and, if the grant is awarded, that the Jefferson County**

Commission resolves to appoint a county representative to the Middleway BAD Buildings Team of residents and stakeholders. Motion seconded and unanimously approved.

9. David Boltson, resident – requested the restoration of the originally assigned residence house number of 393 Camelot Way to the residence currently assigned to 390 Camelot Way.

- **Motion by Ms. Tabb to deny the restoration of the originally assigned residence house number of 393 Camelot Way to the residence currently assigned to 390 Camelot Way. Motion seconded and unanimously approved.**

10. The Commission recessed for lunch at 12:15.
The Commission reconvened at 1:30.

11. Elizabeth Wheeler, Jefferson County Farmland Protection Board

A. Requested the approval of the 2014 Jefferson County Farmland Protection Board Program amendent to defer the UASFLA appraisal required of landowners applying to the Jefferson County Farmland Protection Program until after the application has been qualified in the ranking process.

- **Motion by Ms. Tabb to approve the amended 2014 Farmland Protection Board Program as presented by Ms. Tabb for the appraisal and deed of easement as presented. Motion seconded and unanimously approved.**

B. Presented the Jefferson County Farmland Protection Board FY 2013 Annual Report.

C. Presented the Jefferson County Farmland Protection Board Strategic Plan.

12. Stephanie Grove, Assistant Prosecuting Attorney – discussed with the Commission the possible noise ordinance revisions.

- **Motion by Ms. Noland to enter into Executive Session, citing §6-9A-4. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**

13. Jennifer Brockman, Director of Planning and Zoning – requested the Commission set a date to schedule a Public Hearing on the Proposed Zoning Map Amendment (Project Hunter) for a 107 acre property owned by Ann, James, and Ernest Hunter, designated as Tax District: Middleway (07), Map: 1, Parcel: 2, located on the north

side of Route 115 (Old Route 9/Charles Town Road), approximately 700 feet southeast of the Berkeley/Jefferson County line.

- It was the consensus of the Commission to select January 23, 2014 at 6 pm as the date and time for the Public Hearing on the Proposed Zoning Map Amendment (Project Hunter) for a 107 acre property owned by Ann, James, and Ernest Hunter, designated as Tax District: Middleway (07), Map: 1, Parcel: 2, located on the north side of Route 115 (Old Route 9/Charles Town Road), approximately 700 feet southeast of the Berkeley/Jefferson County line.

FINANCE DIRECTOR REPORTS

14. Tim Stanton, Finance Director – provided a Financial Update to the Commissioners regarding the budget for FY14, including a discussion of budget reductions and a breakdown of the calculation of the current fund balance.
- **Motion by Mr. Manuel to implement a hiring freeze for all new and replacement positions. Motion seconded. Motion withdrawn.**

UNFINISHED BUSINESS

15. Jennifer Brockman, Director of Planning and Zoning - On October 10, 2013, the Jefferson County Commission held a Public Hearing to consider public input regarding proposed Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14 (new), 8.15 (new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments). The record was held open until October 24, 2013 for additional written comments, and the Planning and Zoning staff developed a matrix which summarized all of the comments received with proposed staff responses to each comment for Commission consideration. Ms. Brockman brought the matrix before the Commission for further discussion:
 - **Motion by Ms. Widmyer that Rural Reception/ Event Facility, Small still require a public hearing and approval before the Board of Zoning Appeals. Motion seconded but fails on a vote of 2-3 with Ms. Noland, Mr. Pellish, and Ms. Tabb opposing.**
 - **Motion by Mr. Manuel to limit Rural Receptions, Small to a frequency of no more than four events per year. Motion seconded but fails on a vote of 2-3 with Ms. Noland, Mr. Pellish, and Ms. Tabb opposing.**
 - It was the consensus of the Commission to approve the staff recommendation to add the language “Approvals of all Rural Reception/Event Facilities shall

include a provision that noise at the property line shall conform with Section 8.9A(1) of this Ordinance.” to section 8.14.

- It was the consensus of the Commission to change the limit of the number of attendees for a Rural Reception, Small to the number of vehicles (75) per event.
- It was the consensus of the Commission to add a statement to the ordinance noting that if a Rural Reception/Event Facility, Small exceeds the limited provisions as outlined, the permit may be revoked.
- It was the consensus of the Commission to include this sentence under the definitions section of the Rural Reception/Event Facility and Rural Reception Event Facility/Small Topic: “Such events are limited to events that involve extended families and friends, such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.”
- It was the consensus of the Commission to change size limit of Accessory Agricultural Dwelling Unit from 1,000 square feet to 1,700 square feet, an average size of a double wide trailer, in 8.15.

NEW BUSINESS

16. Discussion of the Resolution for Establishment of Time and Place of Regular Jefferson County Commission Meetings.

- **Motion by Ms. Widmyer to approve the Resolution which establishes the lower level of the Old Charles Town Library as the County Commission Meeting Room. Motion seconded and unanimously approved.**

17. Approval of the Jefferson County Commission Holiday Schedule for 2014.

- **Motion by Ms. Tabb to approve the Jefferson County Commission Holiday Schedule for 2014 as presented. Motion seconded and unanimously approved.**

18. Setting of date and time for first meeting of 2014.

- **Motion by Mr. Manuel to approve Thursday, January 2, 2014 at 9:30 am as the date and time for the first meeting of 2014. Motion seconded and unanimously approved.**

19. Counsel opinion on proper use of ambulance fee – Stephanie Grove, Assistant Prosecuting Attorney, stated ambulance fees can only be used for ambulance/EMS services.
20. Ratification of vote on November 21, 2013 – partial release of the Construction Bond security for Hospice of the Panhandle, Inc. (File#S10-05) – letter of credit #10010976610 with Susquehanna Bank, Martinsburg, WV
 - **Motion by Ms. Noland to ratify the vote on November 21, 2013 – partial release of the Construction Bond security for Hospice of the Panhandle, Inc. (File #S10-05) – letter of credit #10010976610 with Susquehanna Bank, Martinsburg, WV. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

- New Finance Department Policies – Ms. Keyser gave the Commissioners copies of the proposed Capital Outlay and Purchase Order policies for their review. She also mentioned a possible Energy Policy, which would prohibit the use of personal space heaters. Ms. Keyser stated these policies would be included on the agenda for discussion/action during the next Commission meeting.
- Preliminary Summary from Leslie Smith – Ms. Keyser gave the Commissioners copies of Leslie Smith’s preliminary financial summary and stated Ms. Smith would be available by phone this week and in person next week should the Commissioners have questions. Ms. Keyser also stated Ms. Smith’s final report would be included in the agenda packet for the next Commission meeting.
- Reminder of the Printz Estate Hearing – Ms. Keyser reminded the Commission of the Printz Estate Hearing set for Tuesday, December 10 at 10:30 am.
- Scheduling of Meet Your Commissioners – Ms. Keyser asked the Commission for a consensus on the date and time for the Meet Your Commissioners event. The Commissioners agreed upon Thursday, January 30 at 5 pm at the Blue Ridge Fire Co. Station.

COUNTY COMMISSIONER’S REPORTS

Jane Tabb

- Attended the APUS Groundbreaking.
- Attended a Public Service District meeting.
- Attended a Homeland Security meeting.
- Attended the HBPA open house.

Walt Pellish

- Attended the APUS Groundbreaking.

- Attended a Solid Waste Authority meeting.

Patsy Noland

- Attended the APUS Groundbreaking.
- Attended the CCAWV Legislative Summit in Berkeley County.
- Attended a 4-H meeting.
- Attended an Affordable Housing Partnership meeting.

Lyn Widmyer

- Attended the APUS Groundbreaking.
- Attended the CCAWV Legislative Summit in Berkeley County.

Dale Manuel

- Attended the Planning and Zoning Public Hearing on New Zoning Categories.
- Attended the APUS Groundbreaking..
- Attended the CCAWV Legislative Summit in Berkeley County.
- Shopped for toys for the Kiwanis Christmas program.

The Commission meeting was adjourned at 3:47 pm on a motion by Ms. Tabb. Motion was seconded and unanimously approved.

DALE MANUEL, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

