

Minutes

Jefferson County Commission

Thursday, March 27, 2014

A meeting of the Jefferson County Commission was held on Thursday, March 27, 2014 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 file of the Thursday, March 27, 2014 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Widmyer to approve the Special Session Minutes of March 7, 2014 with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$8,417.55 to include Purchase Order Numbers 51405, 52358, 50022, 52357, 52360, 52207, and 52209. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

| CHCKNO | DEPT | VENDOR | PONUM | POAMT | NOAMT | CHECK AMOUNT |
|--------|---------|--------------------------|-------|-------------|-------------|--------------|
| 071842 | PAYROLL | AMERICAN FAMILY LIFE ICU | | \$ - | \$ 4,301.28 | \$ 4,301.28 |
| 071843 | 413 | APPLE VALLEY OFF.PRODUCT | 51630 | \$ 86.18 | \$ - | \$ 86.18 |
| 071844 | 424 | BOLAND SERVICES | 52292 | \$ 2,854.50 | \$ - | \$ 2,854.50 |
| 071845 | PAYROLL | BUREAU F/CHILD SUPPORT | | \$ - | \$ 49.85 | \$ 49.85 |
| 071846 | PAYROLL | BUREAU FOR CHILD SUPPORT | | \$ - | \$ 28.85 | \$ 28.85 |
| 071847 | PAYROLL | BUREAU F/CHILD SPRT ENF | | \$ - | \$ 461.54 | \$ 461.54 |

| | | | | | | |
|--------|---------|--------------------------|-------|--------------|-------------|--------------|
| 071847 | PAYROLL | BUREAU F/CHILD SPRT ENF | | \$ - | \$ 212.31 | \$ 212.31 |
| 071848 | 716 | BLUE RIDGE VETERINARY | 51938 | \$ 300.00 | \$ - | \$ 300.00 |
| 071848 | 716 | BLUE RIDGE VETERINARY | 51940 | \$ 1,321.56 | \$ - | \$ 1,321.56 |
| 071849 | 401 | 201 N. GEORGE ST LLC | | \$ - | \$ 9,638.92 | \$ 9,638.92 |
| 071850 | 700 | BLUE GREANDE | 51963 | \$ 350.00 | \$ - | \$ 350.00 |
| 071851 | PAYROLL | BUREAU OF CHILD SUPPORT | | \$ - | \$ 119.54 | \$ 119.54 |
| 071852 | PAYROLL | BUREAU OF CHILD SUPPORT | | \$ - | \$ 530.77 | \$ 530.77 |
| 071853 | PAYROLL | VA DEPT OF TAXATION | | \$ - | \$ 675.82 | \$ 675.82 |
| 071854 | 712 | FRONTIER WV, INC | | \$ - | \$ 380.00 | \$ 380.00 |
| 071855 | PAYROLL | CHILD SUPPORT ENFORCE AG | | \$ - | \$ 27.69 | \$ 27.69 |
| 071856 | PAYROLL | COLONIAL LIFE | | \$ - | \$ 487.46 | \$ 487.46 |
| 071857 | 425 | DODSON'S SEPTIC | 52356 | \$ 260.00 | \$ - | \$ 260.00 |
| 071858 | 425 | DAYCON | 52295 | \$ 1,285.88 | \$ - | \$ 1,285.88 |
| 071859 | PAYROLL | DIVERSIFIED COLLECTION | | \$ - | \$ 154.83 | \$ 154.83 |
| 071860 | 716 | JESSICA EBERSOLE | | \$ - | \$ 23.00 | \$ 23.00 |
| 071861 | 700 | GALLS,LLC/QUATERMASTER L | 51965 | \$ 874.23 | \$ - | \$ 874.23 |
| 071862 | 425 | GRAINGER, INC | 52359 | \$ 63.99 | \$ - | \$ 63.99 |
| 071863 | 711 | GUEST SERVICES | 52019 | \$ 125.20 | \$ - | \$ 125.20 |
| 071864 | PAYROLL | ING NATIONAL TRUST | | \$ - | \$ 2,960.00 | \$ 2,960.00 |
| 071865 | 712 | ROBERT E. JONES III | | \$ - | \$ 1,000.00 | \$ 1,000.00 |
| 071866 | PAYROLL | JEFFERSON SECURITY BANK | | \$ - | \$ 40.00 | \$ 40.00 |
| 071866 | PAYROLL | JEFFERSON SECURITY BANK | | \$ - | \$ 5,328.00 | \$ 5,328.00 |
| 071867 | 700 | K9 GUARDIAN, INC | 51962 | \$ 3,340.00 | \$ - | \$ 3,340.00 |
| 071868 | 716 | DENISE LAMBIOTTE | | \$ - | \$ 23.00 | \$ 23.00 |
| 071869 | 402 | MR PRINT | 51825 | \$ 127.04 | \$ - | \$ 127.04 |
| 071870 | PAYROLL | COMPROLLER OF MARYLAND | | \$ - | \$ 539.24 | \$ 539.24 |
| 071871 | 412 | SHAY MCNEIL | | \$ - | \$ 194.19 | \$ 194.19 |
| 071872 | PAYROLL | HELEN M. MORRIS, TRUSTEE | | \$ - | \$ 150.00 | \$ 150.00 |
| 071873 | 700 | ROBIN MAHONY | | \$ - | \$ 90.09 | \$ 90.09 |
| 071874 | 716 | ELAINA MAZE | | \$ - | \$ 133.00 | \$ 133.00 |
| 071875 | PAYROLL | NATIONWIDE RETIREMENT | | \$ - | \$ 749.00 | \$ 749.00 |
| 071876 | 716 | CHRISTINA POPE | | \$ - | \$ 23.00 | \$ 23.00 |
| 071877 | 700 | CHARLES PICKETT | | \$ - | \$ 140.59 | \$ 140.59 |
| 071878 | 700 | ROMULO QUEZADA | | \$ - | \$ 36.53 | \$ 36.53 |
| 071879 | 425 | RCS SECURITY | 52351 | \$ 1,733.75 | \$ - | \$ 1,733.75 |
| 071879 | 425 | RCS SECURITY | | \$ - | \$ 576.00 | \$ 576.00 |
| 071880 | 717 | RICE TIRES CO | 52296 | \$ 416.32 | \$ - | \$ 416.32 |
| 071881 | 403 | SOFTWARE SYSTEMS, INC | 51465 | \$ 1,034.00 | \$ - | \$ 1,034.00 |
| 071882 | 704 | ST/WV REGIONAL JAIL & | 52428 | \$ 81,494.25 | \$ - | \$ 81,494.25 |
| 071883 | 700 | SUPERIOR AUTO BODY | 51961 | \$ 1,000.00 | \$ - | \$ 1,000.00 |

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|--------------|---------|--------------------------|-------|----------------------|----------------------|----------------------|
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 25.98 | \$ 25.98 |
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 44,177.74 | \$ 44,177.74 |
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 10,331.94 | \$ 10,331.94 |
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 6.62 | \$ 6.62 |
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 1.54 | \$ 1.54 |
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 111.10 | \$ 111.10 |
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 128.97 | \$ 128.97 |
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 42,171.40 | \$ 42,171.40 |
| 071884 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 4.42 | \$ 4.42 |
| 071885 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 110.26 | \$ 110.26 |
| 071885 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 2.38 | \$ 2.38 |
| 071885 | PAYROLL | SHERIFF OF JEFFERSON CO | | \$ - | \$ 31,653.88 | \$ 31,653.88 |
| 071886 | 403 | WV ASSOC OF CIRCUIT CLER | 51467 | \$ 100.00 | \$ - | \$ 100.00 |
| 071887 | PAYROLL | WV DEPUTY SHRF RETIREMEN | | \$ - | \$ 11,699.45 | \$ 11,699.45 |
| 071887 | PAYROLL | WV DEPUTY SHRF RETIREMEN | | \$ - | \$ 17,893.32 | \$ 17,893.32 |
| 071888 | 716 | SELBY VETERINARY SERVICE | 51936 | \$ 285.00 | \$ - | \$ 285.00 |
| 071889 | 700 | TPS TOWN POLICE SUPPLY | 51964 | \$ 1,982.82 | \$ - | \$ 1,982.82 |
| 071890 | 425 | TRENARY SERVICE CO | 52294 | \$ 1,237.00 | \$ - | \$ 1,237.00 |
| 071891 | 716 | DOROTHY TURLEY | | \$ - | \$ 133.00 | \$ 133.00 |
| 071892 | 716 | VALLEY PET CEMETERY | 51943 | \$ 472.65 | \$ - | \$ 472.65 |
| 071893 | 405 | THOMSON REUTER - WEST | 51638 | \$ 782.25 | \$ - | \$ 782.25 |
| 071894 | PAYROLL | WV PUB EMP RETIRE SYS | | \$ - | \$ 7.83 | \$ 7.83 |
| 071894 | PAYROLL | WV PUB EMP RETIRE SYS | | \$ - | \$ 2.43 | \$ 2.43 |
| 071894 | PAYROLL | WV PUB EMP RETIRE SYS | | \$ - | \$ 83,361.15 | \$ 83,361.15 |
| 071894 | PAYROLL | WV PUB EMP RETIRE SYS | | \$ - | \$ 25,870.85 | \$ 25,870.85 |
| 071895 | 716 | WV BOARD VETERINARY MED | 51932 | \$ 365.00 | \$ - | \$ 365.00 |
| 071896 | 716 | WV BOARD VETERINARY MED | 51933 | \$ 365.00 | \$ - | \$ 365.00 |
| 071897 | PAYROLL | WV CPRB/LOAN DIVISION | | \$ - | \$ 166.50 | \$ 166.50 |
| 071898 | PAYROLL | WVCORP | | \$ - | \$ 19,987.25 | \$ 19,987.25 |
| 071899 | 716 | ZOETIS | 51941 | \$ 1,080.26 | \$ - | \$ 1,080.26 |
| | | | | | | |
| TOTAL | | | | | | \$ 420,259.39 |
| TOTAL | | | | \$ 103,336.88 | \$ 316,922.51 | \$ 420,259.39 |

Motion by Ms. Tabb to approve the Accounts Payable for March 27, 2014 in the amount of \$420,259.39. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Jennifer Maghan, County Clerk – notified the Commission of the loss of an employee in the Elections Department , and stated she hoped the Commission would approve the hiring of new full time employee in the Elections department to allow time for proper training.

Eleanor Finn, resident – expressed her concerns over the number of Executive Sessions that have recently been called concerning the Jefferson County Emergency Services Agency Board Reconstruction Ordinance and Ambulance Fee Ordinance.

PRESENTATIONS

1. Interviews and Appointments to the Jefferson County Public Service District for one (1) unexpired term ending December 1, 2019.
 - Ms. Widmyer offered her nomination for Mr. Milliron.
 - Nomination of Mr. Milliron suspended by Ms. Widmyer pending outcome of procedural discussion regarding the Appointment to Boards, Commissions, and Committees Policy and the additional applicants for the vacancy on the Public Service District Board.
 - **Motion by Ms. Tabb to open the interviews and possible appointments to the Jefferson County Public Service District to the three applicants in attendance: Mr. Todd Milliron, Mr. Carroll Stottlemeyer, and Mr. Richard Weese. Motion seconded.**
 - **Subsidiary Motion by Mr. Manuel to postpone action on the appointment to the Public Service District Board pending further communication with Mr. James Kelch, counsel for the Public Service District, to determine if the appointment to the Public Service District Board could be delayed until the following week. Motion seconded and unanimously approved.**
 - Mr. Groh, Assistant Prosecuting Attorney, informed the Commission Mr. Kelch consented to the delay of the appointment to the Public Service District Board for one more week with a final decision to be reached on Thursday, April 3, 2014.
 - It was the consensus of the Commission to interview the applicants in attendance.
2. Steve Groh, Assistant Prosecuting Attorney – continued a discussion on the ordinance to dissolve and reconstruct the Jefferson County Emergency Services Agency Board and the Ambulance Fee Ordinance.

ORDINANCE TO DISSOLVE AND RECONSTITUTE THE JEFFERSON COUNTY EMEGENCY SERVICES AGENCY

- It was the consensus of the Commission to change “Agency” to “Board” in the last sentence of Section 1, Part 1.
- It was the consensus of the Commission to strike the following sentence from Section 2, Part 1 (c): *“In the discharge of this duty, the Agency shall determine which services shall be funded and staffed internally and which services shall be provided by funding outside agencies.”*
- It was the consensus of the Commission to add the following to Section 3, Part 2 (i): *“The initial members will serve staggered terms. Two of the citizen members’ initial terms shall expire on June 30th, 2015. The third citizen member’s initial term shall expire on June 30th, 2016. The initial term of the County Commissioner shall expire on June 30, 2016. The initial terms of the appointee from the emergency medical services community and of the appointee from the fire protection services shall expire on June 30th, 2017.”*
- It was the consensus of the Commission to add the following to Section 7, (g): *“The Board shall only allocate funds to emergency ambulance service and fire protection providers based on their ability to serve demonstrated public need for emergency ambulance and fire protection services...”*
- It was the consensus of the Commission to separate *Ambulance* and *Fire Fee* in Section 7 (i).
 - Motion by Ms. Widmyer to accept the Ordinance to Dissolve and Reconstitute the Jefferson County Emergency Services Agency as amended for the purposes of conducting a public hearing. Motion seconded and unanimously approved.

JEFFERSON COUNTY EMERGENCY AMBULANCE FEE ORDINANCE

- It was the consensus of the Commission to add the following to Section 3 - Definitions under ‘Agricultural Buildings’: *“The warehousing, processing, drying, storage, distribution, and marketing of agricultural products for the wholesale marketplace when those activities are conducted in conjunction with, but are secondary to, husbandry or production conducted on the farm shall be exempt from the fee.”*
- It was the consensus of the Commission to change “JCESA” to “County Commission” under Section 4 – Rates.
- It was the consensus of the Commission to change “...all those residents **who qualify** for a property tax Homestead Exemption...” to “...all those residents **who have been granted** a property tax Homestead Exemption **by the Assessor in the tax year prior to July 1, 2014** ...” under Section 4 – Rates.

- It was the consensus of the Commission to add “Fee” to the title of Section 7 to read: *Use and Management of Fee Proceeds*.
 - It was the consensus of the Commission to add “*training and supplies*” after “personnel” in Section 7 – Use and Management of Fee Proceeds.
 - It was the consensus of the Commission to add “*train, hire, and equip*” to Section 11 – Initial Use of Funds and Positions.
 - **Motion by Ms. Widmyer to accept the Jefferson County Emergency Ambulance Service Fee Ordinance as amended for the purposes of conducting a public hearing. Motion seconded and unanimously approved.**
3. Jennifer Brockman, Director of Planning and Zoning – requested a continuance of a follow-up workshop on proposed Zoning Ordinance Text Amendment (ZTA 12-01) to establish additional commercial and industrial zoning district categories and related changes to the ordinance; including changes to the following sections of the Zoning and Land Development Ordinance: 4.4, 4.6, 4.10, 4.11, 5.1, 5.4, 5.6, 5.7, 5.8, 5.10, 6.3, 6.5, 8.1, 8.9, 8.12, 12.2, 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16, and 5.17.
- **Motion by Mr. Manuel to change “stream” to “waterway” in his original motion to set parameters for chemical storage tanks. Motion seconded and passes on a vote of 4-1 with Mr. Pellish opposing.**
 - It was the consensus of the Commission to use the terms “Single Family Attached,” “Single Family Detached,” and “Multi-Family” as opposed to the density percentages outlined in item Section 5.16 E – Additional Requirements for the Planned Neighborhood Development District.

APPENDIX C: PERMITTED USED TABLE – Ms. Brockman and Mr. Rivard reviewed Appendix C with the Commission, speaking about the changes that have been made to Appendix C with regards to the Land Uses for the Office Commercial Zoning Category.

- Due to a time conflict with the impending Board of Zoning Appeals meeting, it was the consensus of the Commission to schedule a continuation of the discussion of the ZTA 12-01 at a later date.

COUNTY ADMINISTRATOR REPORTS

- April Designated as Fair Housing Month – Ms. Keyser notified the Commission the Governor of West Virginia declared April as Housing Month. Ms. Keyser

asked the Commission if they would like for staff to draft a Resolution declaring April as Fair Housing Month in Jefferson County. The Commission agreed, and Ms. Keyser stated the item would be on the agenda for the next Commission meeting.

4. The Commission meeting was adjourned at 12:56 pm on a motion by Ms. Noland. Motion was seconded and unanimously approved.

WALT PELLISH, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant