

Minutes

Jefferson County Commission

Thursday, May 1, 2014

A meeting of the Jefferson County Commission was held on Thursday, May 1, 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 Eddy, Bailiff. (An audio file of the Thursday, May 1, 2014 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the minutes for the April 10, 2014 Regular Meeting with noted correction. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the minutes for the April 15, 2014 Special Session – Lay the Levy. Motion seconded and unanimously approved.

Motion by Ms. Widmyer to approve the minutes for the April 17, 2014 Regular Meeting with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Tabb to approve Purchase Orders in the amount of \$9288.88 to include Purchase Order Numbers 51939, 51945, 52323, 50253, 52384, 51382, 52381, 52382, 52386, 52388, and 52389. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
072014	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 4,301.28	\$ 4,301.28
072015	412	COMCAST		\$ -	\$ 80.50	\$ 80.50
072015	425	COMCAST		\$ -	\$ 447.07	\$ 447.07
072016	425	B-K OFFICE SUPPLY INC	52375	\$ 126.85	\$ -	\$ 126.85
072017	424	BOLAND SERVICES	51763	\$ 270.00	\$ -	\$ 270.00
072017	425	BOLAND SERVICES	51764	\$ 427.00	\$ -	\$ 427.00
072018	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
072019	PAYROLL	BUREAU FOR CHILD SUPPORT		\$ -	\$ 28.85	\$ 28.85
072020	PAYROLL	BUREAU F/CHILD SPVRT ENF		\$ -	\$ 212.31	\$ 212.31
072021	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
072022	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
072023	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
072024	PAYROLL	VA DEPT OF TAXATION		\$ -	\$ 176.70	\$ 176.70
072025	712	FRONTIER WV, INC		\$ -	\$ 380.00	\$ 380.00
072026	402	WV ASSOC OF COUNTY CLERK	52320	\$ 650.00	\$ -	\$ 650.00
072027	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
072028	PAYROLL	COLONIAL LIFE		\$ -	\$ 487.46	\$ 487.46
072029	433	DELL MARKETING LP	51380	\$ 1,298.89	\$ -	\$ 1,298.89
072030	425	DEHAVEN BERKELEY SPRINGS		\$ -	\$ 22.00	\$ 22.00
072031	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
072032	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 22,410.64	\$ 22,410.64
072033	425	GRAINGER, INC	52379	\$ 151.44	\$ -	\$ 151.44
072034	406	GLOBAL SCIENCE & TECH	52310	\$ 53.03	\$ -	\$ 53.03
072035	PAYROLL	ING NATIONAL TRUST		\$ -	\$ 2,850.00	\$ 2,850.00
072036	428	ITSAVVY LLC	52222	\$ 608.17	\$ -	\$ 608.17
072037	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 780.74	\$ 780.74
072038	425	JEFFERSON COUNTY SOLID	52385	\$ 8.69	\$ -	\$ 8.69
072039	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
072040	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,328.00	\$ 5,328.00
072040	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 40.00	\$ 40.00
072041	PAYROLL	COMPTROLLER OF MARYLAND		\$ -	\$ 543.39	\$ 543.39
072042	700	RONALD J. MOLTERE		\$ -	\$ 24.52	\$ 24.52
072043	717	MILLER'S CHRYSLER JEEP	52378	\$ 299.91	\$ -	\$ 299.91
072044	412	SHAY MCNEIL		\$ -	\$ 278.41	\$ 278.41
072045	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
072046	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
072047	712	NAEMD/IAEMD	51690	\$ 50.00	\$ -	\$ 50.00

072048	402	PIFER OFFICE SUPPLY, INC	51826	\$ 107.64	\$ -	\$ 107.64
072048	402	PIFER OFFICE SUPPLY, INC	52321	\$ 39.43	\$ -	\$ 39.43
072049	700	ROMULO QUEZADA		\$ -	\$ 3.69	\$ 3.69
072050	425	RCS SECURITY	52383	\$ 75.00	\$ -	\$ 75.00
072050	425	RCS SECURITY		\$ -	\$ 444.00	\$ 444.00
072051	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
072051	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
072051	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
072051	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
072051	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
072051	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
072051	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
072051	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
072051	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
072051	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
072052	717	RICE TIRES CO	52376	\$ 481.04	\$ -	\$ 481.04
072053	704	ST/WV REGIONAL JAIL &	52498	\$ 123,471.75	\$ -	\$ 123,471.75
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 25.98	\$ 25.98
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 42,729.86	\$ 42,729.86
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2.98	\$ 2.98
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 0.70	\$ 0.70
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 9,993.18	\$ 9,993.18
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 111.10	\$ 111.10
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 128.97	\$ 128.97
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.96	\$ 1.96
072054	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 40,345.94	\$ 40,345.94
072055	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 110.26	\$ 110.26
072055	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 30,334.33	\$ 30,334.33
072055	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.06	\$ 1.06
072056	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 10,285.86	\$ 10,285.86
072056	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 15,731.31	\$ 15,731.31
072057	440	SHERIFF OF JEFFERSON CO	50252	\$ 48.65	\$ -	\$ 48.65
072058	716	SELBY VETERINARY SERVICE	51946	\$ 85.00	\$ -	\$ 85.00
072059	425	THOMPSON GAS		\$ -	\$ 386.58	\$ 386.58
072060	405	THOMSON REUTER - WEST	51638	\$ 2,151.45	\$ -	\$ 2,151.45
072061	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 3.52	\$ 3.52
072061	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 1.09	\$ 1.09
072061	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 25,407.42	\$ 25,407.42
072061	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 81,867.99	\$ 81,867.99
072062	PAYROLL	WV CPRB/LOAN DIVISION		\$ -	\$ 166.50	\$ 166.50

TOTALS						\$ 432,341.22
TOTALS			\$ 130,403.94	\$ 301,937.28		\$ 432,341.22

Motion by Mr. Manuel to approve the Accounts Payable for April 24, 2014 in the amount of \$432,341.22. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
072064	712	AT&T/GA		\$ -	\$ 40.40	\$ 40.40
072065	406	ANGELA L BANKS		\$ -	\$ 81.00	\$ 81.00
072066	401	201 N. GEORGE ST LLC		\$ -	\$ 9,638.92	\$ 9,638.92
072067	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
072068	PAYROLL	DEHAVEN BERKELEY SPRINGS		\$ -	\$ 37.76	\$ 37.76
072069	PAYROLL	DELTA DENTAL OF WV		\$ -	\$ 5,646.66	\$ 5,646.66
072070	PAYROLL	GUARDIAN		\$ -	\$ 1,701.70	\$ 1,701.70
072070	PAYROLL	GUARDIAN		\$ -	\$ 1,927.75	\$ 1,927.75
072071	406	PAULA J. HARDY		\$ -	\$ 81.00	\$ 81.00
072072	406	KAREN HILL		\$ -	\$ 81.00	\$ 81.00
072073	402	JEFFERSON PUBLISH CO INC	52325	\$ 168.22	\$ -	\$ 168.22
072074	700	GLENDON KINCAID		\$ -	\$ 4.65	\$ 4.65
072075	712	MORGAN AWARDS LLC	52233	\$ 106.00	\$ -	\$ 106.00
072076	PAYROLL	HIGHMARK WV		\$ -	\$ 180,062.13	\$ 180,062.13
072077	700	ROBIN MAHONY		\$ -	\$ 50.17	\$ 50.17
072078	406	NATIONAL BAND & TAG CO	52307	\$ 1,225.00	\$ -	\$ 1,225.00
072079	402	PIFER OFFICE SUPPLY, INC	52324	\$ 29.88	\$ -	\$ 29.88
072079	406	PIFER OFFICE SUPPLY, INC	52303	\$ 25.00	\$ -	\$ 25.00
072080	717	TRI STATE TIRES	52387	\$ 62.00	\$ -	\$ 62.00
072081	405	THOMSON REUTER - WEST	51638	\$ 667.31	\$ -	\$ 667.31
TOTAL						\$ 203,136.55
TOTAL				\$ 2,283.41	\$ 200,853.14	\$ 203,136.55

Motion by Ms. Noland to approve the Accounts Payable for May 1, 2014 in the amount of \$203,136.55. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Pete Dougherty, Sheriff – notified the Commission of a \$220,000 West Virginia Department of Homeland Security grant the Sheriff’s office has received for the purchase of 82 ruggedized tablets for all full-time county, municipal, and Shepherd University law enforcement officers. Mr. Dougherty also stated representatives from the West Virginia Department of Behavioral

Health will be holding a meeting at the DHHR offices in Berkeley County to assess the needs of the area and provide information on funding sources for citizens suffering from mental health problems.

PRESENTATIONS

1. Jennifer Maghan, County Clerk – requested the approval to hire Genevieve Hughes for the full time Voter Registration/Elections assistant clerk position with a starting pay at Step II, Grade C.
 - **Motion by Mr. Manuel to approve the hiring of Genevieve Hughes as the full time Voter Registration/Elections assistant clerk at a Step II, Grade C. Motion seconded and unanimously approved.**
2. Barbara Miller, Director of Homeland Security and Emergency Management
 - A. Requested the approval of the recommendation to promote Jessica Owens to Deputy Director/Planner/Program Manager for Jefferson County Homeland Security and Emergency Management at a Grade IV, Step A, Full Time Exempt position, effective May 1, 2014.
 - **Motion by Ms. Noland to approve the promotion of Jessica Owens to Deputy Director/Planner/Program Manager for Jefferson County Homeland Security and Emergency Management at a Grade IV, Step A, Full Time Exempt position, effective May 1, 2014. Motion seconded and unanimously approved.**
 - B. Requested the approval to post the position of Public Information Officer/Volunteer Coordinator/Administrative Assistant for Jefferson County Homeland Security and Emergency Management as a Grade III, Step A, Full Time Exempt Position.
 - **Motion by Mr. Manuel to approve the posting of the position of Public Information Officer/Volunteer Coordinator/Administrative Assistant for Jefferson County Homeland Security and Emergency Management at a Grade III, Step A, Full Time Exempt Position. Motion seconded and unanimously approved.**
 - C. Requested the approval of the Homeland Security Grant in the amount of \$60,000 for the purchase of a generator for the Mason Building.
 - **Motion by Ms. Tabb to approve the Homeland Security Grant application in the amount of \$60,000 for the purchase of a generator for the Mason Building. Motion seconded and unanimously approved.**

- D. Requested the approval of a pass-through grant for Jefferson County Schools in the amount of \$21,080 for the purchase of portable radios.
- **Motion by Ms. Noland to approve the pass through grant for Jefferson County Schools in the amount of \$21,080 for the purchase of portable radios. Motion seconded and unanimously approved.**
3. Annette Gavin, Jefferson County CVB and Peggy Smith, Mayor of the City of Charles Town – requested the Commission to allow the Courthouse to be open on the weekends for public tours.
- **Motion by Ms. Noland to allow the Charles Town Courthouse to be open to the public for the John Brown Walking Tours every day of the week starting Memorial Day Weekend, 2014 through August 21, 2014 and weekends only through November. Motion seconded and unanimously approved.**
4. Ronda Eddy, Executive Director of the Jefferson Day Report Center – provided the Commission with a discussion of the Community Criminal Justice Board membership, vacancies, and requirements regarding membership attendance. Ms. Eddy also gave the Commission an update on the Day Report Center transition.
- **Motion by Mr. Manuel to direct staff to work with counsel to develop an advertisement for the current vacancies on the Community Criminal Justice Board and also bring back a Resolution to adopt the bylaws of the establishment of the Board. Motion seconded and unanimously approved.**
5. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.
6. Steve Groh, Assistant Prosecuting Attorney and Debbie Keyser, County Administrator – provided the Commission with a discussion on pending litigation.
- **Motion by Mr. Manuel to enter into Executive Session, citing §6-9A-4, to discuss pending litigation. Motion seconded and unanimously approved.**
 - **Motion by Mr. Manuel to come out of Executive Session. Motion seconded and unanimously approved.**
- Mr. Groh also provided the Commission with an update on the appointments to the Jefferson County Economic Development Authority, stating he believes the code clearly states any persons wishing to serve on County appointed boards, commissions, and committees must be United States citizens.

- **Motion by Mr. Pellish to request the Jefferson County Prosecuting Attorney's Office to contact the West Virginia Attorney General for a final opinion on the matter of citizenship for those wishing to serve on County appointed boards, commissions, and committees. Motion dies for lack of a second.**

UNFINISHED BUSINESS

7. Commissioner Jane Tabb – requested a continuation of the discussion of the Ambulance Fee in reference to apartment buildings.
 - It was the consensus of the Commission to postpone this item indefinitely as providing a discount to one category of residents is in conflict with the legal foundation of the Ambulance Fee Ordinance.

NEW BUSINESS

8. Commissioner Lyn Widmyer – presented the Commission with a Code of Ethics to be distributed and signed by all applicants of County Commission appointed Boards, Commissions, and Committees.
 - **Motion by Ms. Widmyer to require all applicants for County Commission appointed Boards, Commissions, and Committees to agree to the Code of Ethics by signing the document, as presented. Motion seconded. Motion withdrawn.**
 - **Motion by Mr. Manuel to send the Code of Ethics document to the legal department to be reviewed and refined and submitted for a final vote at a later County Commission meeting. Motion seconded and unanimously approved.**
9. Roger Goodwin, Chief County Engineer – requested the approval of a draft letter to the Jefferson County Board of Education to consider sharing the annual cost of the administration of the Impact Fee program.
 - **Motion by Mr. Manuel to approve the draft letter to the Board of Education as presented. Motion seconded and unanimously approved.**

FINANCE DIRECTOR REPORTS

Mr. Stanton provided the Commission with an update on the financial status of the County, stating the cash balance in the General Fund is \$3,603,785, which is consistent with cash flow projections, and the Capital Outlay balance is unchanged at \$4,895,942. Mr. Stanton also stated he would be updating the financial forecast model weekly to ensure expenditures do not exceed revenue during the final nine weeks of FY14.

COUNTY ADMINISTRATOR REPORTS

- Scheduling for Upcoming Items – It was the consensus of the Commission to hold Public Hearings on following dates:
 - Thursday, May 22, 2014 – Public Hearing on the Ambulance Fee Ordinance at 7:00 pm.
 - Thursday, May 29, 2014 – Public Hearing on the Restructuring of the JCESA Board at 7:00 pm.
 - Thursday, June 11, 2014 – Public Hearing on the E-9-1-1 Fee Ordinance at 7:00 pm.

- Hotel/Motel Ordinance – Ms. Keyser stated the legal department was currently working on the Hotel/Motel Ordinance to reflect the changes that were made during budget deliberations and would be presented for approval at a later date.

- Meet Your Commissioners – Ms. Keyser stated it was time to schedule a “Meet Your Commissioners” event to be held in the Kabletown District; however, due to the high volume of impending public hearings and special meetings, it was the consensus of the Commission to postpone this event until the fall.

- Reduction in Force Policy
 - **Motion by Ms. Widmyer to strike “given first chance” and replace with “*will be assured an interview...*” Motion seconded and approved on a vote of 4-1 with Mr. Manuel opposing.**

 - **Motion by Mr. Manuel to approve the Reduction in Force policy as amended to include the following: “*The reduction in force employee shall be assured an interview on all positions which he or she is qualified for, provided he or she has a satisfactory current evaluation, possesses all the necessary skills for the available position and applies for said position.*” Motion seconded and unanimously approved.**

 - **Motion by Ms. Tabb to strike “special” from the first sentence of the Reduction in Force policy. Motion seconded and unanimously approved.**

 - **Motion by Ms. Widmyer to approve the Reduction in Force Policy as amended. Motion seconded and unanimously approved.**

- Contracts Policy
 - Motion by Mr. Manuel to move the document before the body.

- **Motion by Ms. Widmyer to amend the document to include the following: “Any contract that is currently in effect but has no documented approval by the County Commission, has not been subject to legal review and/or is more than three years old will be presented for review and action by the County Commission within 90 days of the effective date of this policy.” Motion seconded.**
 - **Motion by Ms. Noland to delay a decision on this item until receiving more information from legal on the contracts in question. Motion seconded and unanimously approved.**
- Sheriff’s Office Grant for Ruggedized Tablets – Ms. Keyser asked the Commission for a consensus to allow President Pellish to affix his signature to the Sheriff’s time sensitive grant documents and ratify the item at the May 15, 2014 County Commission meeting.
- **Motion by Mr. Manuel to request the President of the Commission sign the grant documents and place on the May 15, 2014 agenda for ratification. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to recess for lunch. Motion seconded and unanimously approved.**
10. The Commission recessed for lunch at 12:15 pm.
The Commission reconvened at 1:30 pm.
11. Jennifer Brockman, Director of Planning and Zoning – Public Hearing for the Corporation of Shepherdstown’s proposed Growth Management Boundary under WV Code Section 8-6-4a.
- Mr. Pellish opened the Public Hearing at 1:33 pm. Public Comments were received by the following:
- Fred Blackmer, former Jefferson County resident – spoke in support of Shepherdstown’s proposed Growth Management Boundary, stating he believed the Growth Management Boundary narrative was well done and was especially pleased to see one of the objectives of the Growth Management Boundary was to protect the green space in Shepherdstown.
- **There being no further comments, motion by Ms. Noland to close the Public Hearing regarding Shepherdstown’s requested Growth Management Boundary. Motion seconded and unanimously approved.**
 - Mr. Pellish stated the record would remain open for two weeks to allow time for written comment.

12. Jennifer Brockman, Director of Planning and Zoning

- A. Requested approval to promote internally to fill the vacant budgeted position of Project/Office Manager and advertise resulting vacated Planning Clerk position.
- **Motion by Ms. Noland to approve the promotion of Alex Beaulieu to Office/Project Manager. Motion seconded and unanimously approved.**

 - **Motion by Mr. Manuel to approve the advertisement of the resulting vacated Planning Clerk position. Motion seconded and unanimously approved.**
- B. Requested action on the final draft of 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 Ms. Tabb to approve the Zoning Text Amendment (ZTA 12-01) as presented. Motion seconded and unanimously approved.**

 - **Motion by Mr. Manuel to establish the effective date of the Zoning Text Amendment ZTA 12-01 as June 1, 2014. Motion seconded and unanimously approved.**

COUNTY COMMISSIONERS' REPORTS

Jane Tabb

- Attended the Impact Fee Recalculation meeting.
- Attended a special JCESA meeting.
- Attended the Homeland Security and Emergency Management Quarterly Partnership Luncheon.

Dale Manuel

- Attended the Impact Fee Recalculation meeting.
- Attended the NAACP Candidate's Forum.
- Attended the Lessons from Elk River panel discussion.
- Attended the Earth Day Celebration at Morgan's Grove Park.
- Attended the grand opening of White Fly Outfitters in Harpers Ferry.
- Attended the League of Women Voters County Commission Candidates' Forum.

13. The Commission meeting was adjourned at 2:13 pm on a motion by Ms. Noland.
Motion was seconded and unanimously approved.

WALT PELLISH, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant