

Minutes

Jefferson County Commission

Thursday, August 28, 2014

A meeting of the Jefferson County Commission was held on Thursday, August 28, 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, Walt Pellish, Jane Tabb, and Lyn Widmyer. Also present were Sandy McDonald, Deputy County Administrator, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddy, Bailiff. (An audio file of the Thursday, August 28, 2014 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the minutes for the July 31, 2014 Regular Meeting as presented. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the minutes for the August 07, 2014 Regular Meeting as presented. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Ms. Tabb to approve the Payroll for August 14, 2014 in the amount of \$236,704.07. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Tabb to approve Purchase Orders in the amount of \$42,861.03 to include Purchase Order Numbers 52021, 52023, 52024, 52025, and 52651. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
072816	403	COAST TO COAST COMPUTER		\$ -	\$ 135.00	\$ 135.00
072817	402	JEFFERSON PUBLISH CO INC		\$ -	\$ 165.88	\$ 165.88
072818	433	LYLE SIGNS, INC.		\$ -	\$ 156.00	\$ 156.00
072819	413	MONACO TECHNOLOGY		\$ -	\$ 1,525.00	\$ 1,525.00
072820	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
072820	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
072820	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
072820	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
072820	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
072820	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
072820	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
072820	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
072820	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
072820	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
072821	712	WV ENHANCED 911 COUNCIL	52242	\$ 232.60	\$ -	\$ 232.60
TOTAL						\$ 4,432.39
TOTAL				\$ 232.60	\$ 4,199.79	\$ 4,432.39

DEPT TOTALS

DEPT	NAME				DEPT AMTS
401/COM	CO. COMMISSION				\$ 252.73
402/CCLK	CO. CLERK				\$ 165.88
403/CIR CLK	CIRCUIT CLERK				\$ 422.58
404/TAX	TAX OFFICE				\$ 123.90
405/PA	PROS ATTY				\$ 423.90
406/ASSR	ASSESSORS				\$ 123.90
413/ELE	ELECTION				\$ 1,525.00
425/OB	OTHER BUILDING				\$ 48.10
433/GIS	GIS/ADDRESSING				\$ 353.41
440/ENG.	DEPT OF ENGINEERING				\$ 197.41
700/SHRF	SHERIFF DEPT				\$ 295.90
712/911	911 COMMUNICATION				\$ 499.68
TOTALS					\$ 4,432.39

MANUAL CHECKS

246					
SHERIFF'S CAPITAL OUTLAY					
8/15/2014		ITSAVVY	1485		\$ 3,239.40
8/15/2014		ACCURATE SYSTEMS, INC	1486		\$ 320.00
249					
IMPACT FEES					
8/15/2014		CDW-GOV	130		\$ 115,188.32
TOTAL					\$ 118,747.72

Motion by Ms. Noland to approve the Accounts Payable for August 21, 2014 in the amount of \$118,747.72. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
072824	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 4,401.76	\$ 4,401.76
072825	412	COMCAST		\$ -	\$ 98.63	\$ 98.63
072825	425	COMCAST		\$ -	\$ 450.25	\$ 450.25
072826	700	AUTOZONE		\$ -	\$ 130.89	\$ 130.89
072826	717	AUTOZONE		\$ -	\$ 840.07	\$ 840.07
072827	413	APPLE VALLEY OFF.PRODUCT	52470	\$ 78.80	\$ -	\$ 78.80
072828	425	B-K OFFICE SUPPLY INC		\$ -	\$ 108.64	\$ 108.64
072829	424	BOLAND SERVICES	52629	\$ 270.00	\$ -	\$ 270.00
072829	425	BOLAND SERVICES	52367	\$ 1,325.00	\$ -	\$ 1,325.00
072829	425	BOLAND SERVICES		\$ -	\$ 1,239.00	\$ 1,239.00
072830	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
072831	PAYROLL	BUREAU F/CHILD SPVRT ENF		\$ -	\$ 212.31	\$ 212.31
072832	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
072833	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
072834	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
072835	PAYROLL	VA DEPT OF TAXATION		\$ -	\$ 177.86	\$ 177.86
072836	401	CO COMMISSIONERS ASSOC**		\$ -	\$ 300.00	\$ 300.00
072837	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
072838	PAYROLL	COLONIAL LIFE		\$ -	\$ 516.18	\$ 516.18
072839	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
072840	401	FEDEX		\$ -	\$ 26.77	\$ 26.77
072840	405	FEDEX		\$ -	\$ 69.86	\$ 69.86
072840	700	FEDEX		\$ -	\$ 43.13	\$ 43.13
072841	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 23,334.24	\$ 23,334.24

072842	717	GUTTMAN OIL CO		\$ -	\$ 16,237.81	\$ 16,237.81
072843	PAYROLL	ING NATIONAL TRUST		\$ -	\$ 3,040.00	\$ 3,040.00
072844	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 33.74	\$ 33.74
072844	402	JEFFERSON PUBLISH CO INC		\$ -	\$ 165.88	\$ 165.88
072845	712	JEFFERSON MEMORIAL CENTE		\$ -	\$ 30.00	\$ 30.00
072846	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
072847	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,348.00	\$ 5,348.00
072848	424	KONE INC.		\$ -	\$ 370.50	\$ 370.50
072848	425	KONE INC.		\$ -	\$ 1,111.50	\$ 1,111.50
072849	401	SUSANNE O. KOENIG		\$ -	\$ 30.00	\$ 30.00
072850	PAYROLL	COMPTRROLLER OF MARYLAND		\$ -	\$ 550.83	\$ 550.83
072851	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
072852	424	NEOPOST MIDATLANTIC		\$ -	\$ 2,979.00	\$ 2,979.00
072853	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
072854	711	NIXLE LLC		\$ -	\$ 3,500.00	\$ 3,500.00
072855	424	NEOPOST USA INC.		\$ -	\$ 79.98	\$ 79.98
072856	412	OFFICEMAX		\$ -	\$ 248.68	\$ 248.68
072857	GRANT	JEFF CO PARKS &		\$ -	\$ 4,000.00	\$ 4,000.00
072858	403	PIFER OFFICE SUPPLY, INC		\$ -	\$ 18.60	\$ 18.60
072858	404	PIFER OFFICE SUPPLY, INC		\$ -	\$ 305.90	\$ 305.90
072858	406	PIFER OFFICE SUPPLY, INC		\$ -	\$ 136.99	\$ 136.99
072859	425	PATRIOT FIRE AND SECURIT		\$ -	\$ 170.00	\$ 170.00
072860	440	PROFESSIONAL APPRAISL CR		\$ -	\$ 2,900.00	\$ 2,900.00
072861	ALLOC	EASTERN PANHANDLE REGION		\$ -	\$ 19,794.26	\$ 19,794.26
072862	ALLOC	EASTERN PANHANDLE REGION		\$ -	\$ 14,713.74	\$ 14,713.74
072863	424	RCS SECURITY		\$ -	\$ 207.50	\$ 207.50
072863	425	RCS SECURITY		\$ -	\$ 132.00	\$ 132.00
072864	717	RICE TIRES CO		\$ -	\$ 189.80	\$ 189.80
072865	404	SPECIALTY BUS SUPPLIES		\$ -	\$ 612.86	\$ 612.86
072866	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 48,101.16	\$ 48,101.16
072866	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 146.06	\$ 146.06
072866	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 34.16	\$ 34.16
072866	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 11,249.50	\$ 11,249.50
072866	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 128.24	\$ 128.24
072866	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 49,362.18	\$ 49,362.18
072867	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 33,221.09	\$ 33,221.09
072867	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 61.34	\$ 61.34
072868	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 17,109.45	\$ 17,109.45
072868	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 11,634.44	\$ 11,634.44
072869	GRANT	STAR LODGE/HISTORIC LOCK		\$ -	\$ 500.00	\$ 500.00

072869	GRANT	STAR LODGE/HISTORIC LOCK		\$ -	\$ 3,000.00	\$ 3,000.00
072870	425	TRENARY SERVICE CO		\$ -	\$ 486.00	\$ 486.00
072871	424	US POSTAL SERVICE		\$ -	\$ 20,000.00	\$ 20,000.00
072872	717	NAPA AUTO PARTS		\$ -	\$ 381.47	\$ 381.47
072873	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 53.33	\$ 53.33
072873	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 165.93	\$ 165.93
072873	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 81,842.55	\$ 81,842.55
072873	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 26,306.60	\$ 26,306.60
072874	711	WV EMER MANAGMENT COUNCI		\$ -	\$ 50.00	\$ 50.00
072875	PAYROLL	WV CPRB/LOAN DIVISION		\$ -	\$ 166.50	\$ 166.50
072876	GRANT	WEBB-BLESSING HOUSE		\$ -	\$ 2,654.90	\$ 2,654.90
072876	GRANT	WEBB-BLESSING HOUSE		\$ -	\$ 3,000.00	\$ 3,000.00
TOTAL						\$ 423,429.08
TOTAL				\$ 1,673.80	\$ 421,755.28	\$ 423,429.08

Motion by Ms. Tabb to approve the Accounts Payable for August, 28 2014 in the amount of \$423,399.08 due to the removal of a \$30.00 check for the purchase of two retirement gift. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Bob Aitcheson, resident – expressed his concerns regarding the All Good Festival and urged the Commission to consider moving on the Mass Gathering Ordinance.

Doug Rockwell, resident – also expressed his concerns regarding the potential All Good Festival and issues with the Seasonal Use Variance, as he believes it violates State law.

Mark Dyck, resident and employee at Gordon & Associates – stated he believed it was unusual to debate a zoning variance issue before the County Commission because the Board of Zoning Appeals is an independent body and should be treated as such. Mr. Dyck also urged the Commission to contact Mr. Tim Walther personally if they have questions regarding the All Good Music Festival.

Chris Stroech, resident and local counsel for the All Good Festival applicants – stated he has been working closely with Walther Productions and the Planning Commission to help create a Mass Gathering Ordinance that is workable for all parties involved.

Tim Walther, promoter of the All Good Music Festival – expressed to the Commission his willingness to be a “good neighbor” and do well by all, should the All Good Music Festival be permitted in Jefferson County. Mr. Walther also stated he would be making arrangements with all entities to cover the expenses for potential fire, EMS, and trash costs.

Walt Pellish, Commission President – provided the Commission and the audience with an update regarding his health.

David Tabb, resident – expressed his feelings concerning the increase in the E-911 fee, the Ambulance Services fee, and the need for flags outside of the County Commission meeting room.

PRESENTATIONS

1. Angie Banks, Assessor – requested the approval of the following Exonerations and Split Tickets:

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Frances Rife	Kabletown	Personal Property	310441	\$270.39
Richard Rife				\$110.51

- **Motion by Ms. Noland to approve the Split Ticket as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Tammy Goelden	Charles Town Corp.	Personal Property	305565	\$55.74

- **Motion by Ms. Widmyer to approve the Exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Lynn Demming	Middleway	Personal Property	311413	\$98.75

- **Motion by Mr. Manuel to approve the Exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

2. Pete Dougherty, Sheriff – requested the approval of a mandated salary increase through civil service for a Sheriff’s employee, based on the employee’s length of service.

- **Motion by Mr. Manuel to approve the \$1,000.00 annual salary increase as mandated through the civil service for Joe Forman, based on employee’s length of service. Motion seconded and unanimously approved.**

3. Martin Burke, Jefferson County Historic Landmarks Commission – requested a 2014 property tax exoneration in the amount of \$389.70 for the Lowe Tract on Trough Road in Shepherdstown, West Virginia.

- **Motion by Ms. Tabb to allow the collection process to move forward so the property in question will appear on the tax sale and can then be removed by the Sheriff. Motion seconded and unanimously approved.**
4. Doug Rockwell, resident – requested a discussion with the Commission regarding his proposal to delete Seasonal Use Permits from the Zoning Ordinance.
 - **Motion by Ms. Tabb to enter into Executive Session, citing §6-9A-4 to receive legal counsel from staff. Motion seconded and unanimously approved.**
 - **Motion by Mr. Manuel to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Motion by Mr. Manuel to ask the Planning Commission to address the Mass Gathering Ordinance during their September 9, 2014 regular meeting and forward their recommendation to the County Commission. Motion seconded and passes on a vote of 3-2 with Ms. Noland and Mr. Pellish opposing.**
 5. The Commission recessed for break at 10:20 am.
The Commission reconvened at 10:30 am.
 6. Barb Miller, Director of Homeland Security and Emergency Management
 - a. Update on the contract with J.H. Consulting for Threat and Hazard Identification and Risk assessment plan at the cost of \$2,500.
 - **Motion by Mr. Manuel to approve the contract with J.H. Consulting in the amount of \$2,500 for an update to the Jefferson County THIRA Plan. Motion seconded and unanimously approved.**
 - b. 2014 Emergency Management Planning Grant Application in the amount of \$111,475.15
 - **Motion by Ms. Tabb to approve the 2014 Emergency Management Planning Grant Application in the amount of \$111,475.15. Motion seconded and unanimously approved.**
 - c. Update on the State Homeland Security Grant for Generator Purchase
 7. Jennifer Brockman, Director of Planning and Zoning – requested the approval to fill the vacant position of either the County Planner or the Zoning Administrator.

- **Motion by Mr. Manuel to authorize the filling of the Zoning Administrator position. Motion seconded and unanimously approved.**
8. Commissioner Noland – requested a discussion of the Hotel/Motel tax and how to determine if those who are required to pay are collecting and remitting the tax. Possible Executive Session may be required to discuss pending litigation.
 9. Ratification of the decision made during the August 7, 2014 Regular Meeting – Approval of the Grant Contract Agreement for the West Virginia Community Corrections Grant.
 - **Motion by Mr. Manuel to ratify the decision made during the August 7, 2014 Regular Meeting to approve the grant contract agreement for the West Virginia Community Corrections Grant. Motion seconded and unanimously approved.**
 10. Commissioner Widmyer – requested the review and approval of the proposed draft comments to the Board of Zoning Appeals regarding the Seasonal Use Permit and Zoning Variance being requested by the All Good Festival and Camp Out.
 - **Motion by Ms. Widmyer to approve the comments regarding the Seasonal Use Permit and Zoning Variance being requested by the All Good Festival and Camp Out and forward them to the Board of Zoning Appeals. Motion seconded but fails on a vote of 2-3 with Ms. Noland, Mr. Pellish, and Ms. Tabb opposing.**
 11. Acknowledgement of the appointment of Andy Blake, Ranson City Manager, as Ranson representative for the Jefferson County Development Authority Board.
 - **Motion by Mr. Manuel to acknowledge the appointment of Andy Blake, Ranson City Manager, as the Ranson representative for the Jefferson County Development Authority Board. Motion seconded and unanimously approved.**
 12. Decision on the recommendation from the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy Lindberg; designated as Tax District: Middleway (07), Map: 1, Parcels 1.2 (16.62 acres, with 12.67 acres in Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line.
 - **Motion by Ms. Noland to approve the landowner-initiated petition to amend the County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy**

Lindberg; designated as Tax District: Middleway (07), Map: 1, Parcels 1.2 (16.62 acres, with 12.67 acres in Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line. Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.

13. Decision on SB 595 Vested Development Time Extension Proposal.

- **Motion by Ms. Tabb to approve the SB595 Vested Development Time Extension Proposal. Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.**

14. Approval of Use of the County Commission Meeting Room on Sunday, September 21, 2014 for semi-annual WV Rural Letter Carriers district meeting.

- **Motion by Ms. Tabb to approve the use of the County Commission Meeting Room on Sunday, September 21, 2014 for a semi-annual WV Rural Letter Carriers district meeting. Motion seconded and unanimously approved.**

15. Approval of the changes in the maintenance contract amounts with Software Systems, Inc.

- **Motion by Ms. Noland to approve the changes in the maintenance contact amounts with Software Systems, Inc. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

- Labor Day Holiday - Ms. Slusher-McDonald reminded the Commission that County offices would be closed on Monday, September 1, 2014 in observance of Labor Day. She also stated the agenda for the September 4, 2014 Regular Meeting would be posted by close of business on Friday, August 29, 2014.

COUNTY COMMISSIONERS' REPORTS

Jane Tabb

- Attended a Homeland Security meeting.
- Attended the Jefferson County Fair.

Walt Pellish

- Attended many events with Paco Sauvage, exchange student from France.
- Attended the Jefferson County Fair.

Patsy Noland

- Attended the Jefferson County Fair and participated in multiple 4H Club events.
- Attended a meeting with constituents to discuss concerns over the All Good Music Festival.

Dale Manuel

- Attended two Planning Commission meetings.
- Attended a public forum on library funding held by the League of Women Voters.
- Attended the African American Heritage Parade and Festival.
- Spoke with Mr. Peter Fricke about the Middleway Project.
- Attended a Jefferson Center meeting.
- Attended the Jefferson County Fair.

Lyn Widmyer

- Attended the Jefferson County Fair.
- Attended the investiture of Senator John Unger at St. John's Episcopal Church in Harpers Ferry.
- Attended an event to hear Natalie Tennant speak at the Democratic Headquarters for Women's Equality Day.

16. The Commission meeting was adjourned at 12:37 pm.

WALT PELLISH, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant