

Minutes

Jefferson County Commission

Thursday, October 30, 2014

A meeting of the Jefferson County Commission was held on Thursday, October 30, 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, Jane Tabb, Lyn Widmyer and Walt Pellish. Also present were Debbie Keyser, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddy, Bailiff. (An audio file of the Thursday, October 30, 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. Noland to approve the minutes from the October 16, 2014 Regular Meeting with noted correction. Motion seconded and unanimously approved.

Motion by Mr. Manuel to approve the minutes from the October 23, 2014 Impact Fee Workshop with noted correction. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Widmyer to approve the Purchase Orders for October 30, 2014 in the amount of \$55,466.16 to include Purchase Order Number 52253. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
073149	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 4,401.76	\$ 4,401.76
073150	412	COMCAST		\$ -	\$ 98.63	\$ 98.63

073150	425	COMCAST		\$ -	\$ 795.14	\$ 795.14
073151	700	AUTOZONE		\$ -	\$ 101.70	\$ 101.70
073151	717	AUTOZONE		\$ -	\$ 844.81	\$ 844.81
073152	413	APPLE VALLEY OFF.PRODUCT	52470	\$ 117.35	\$ -	\$ 117.35
073153	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
073154	PAYROLL	BUREAU F/CHILD SPVRT ENF		\$ -	\$ 212.31	\$ 212.31
073155	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
073156	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
073157	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
073158	425	BATTERY MART		\$ -	\$ 17.95	\$ 17.95
073159	403	CASTO & HARRIS INC		\$ -	\$ 96.45	\$ 96.45
073159	413	CASTO & HARRIS INC		\$ -	\$ 13.86	\$ 13.86
073159	413	CASTO & HARRIS INC		\$ -	\$ 26,885.31	\$ 26,885.31
073160	PAYROLL	VA DEPT OF TAXATION		\$ -	\$ 159.78	\$ 159.78
073161	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
073162	PAYROLL	COLONIAL LIFE		\$ -	\$ 516.18	\$ 516.18
073163	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
073164	712	FEDEX		\$ -	\$ 22.55	\$ 22.55
073165	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 30,962.77	\$ 30,962.77
073166	711	GUEST SERVICES		\$ -	\$ 125.20	\$ 125.20
073167	711	GUEST SERVICES		\$ -	\$ 167.32	\$ 167.32
073168	717	GUTTMAN OIL CO		\$ -	\$ 15,239.79	\$ 15,239.79
073169	412	MICHAEL HARMAN		\$ -	\$ 406.00	\$ 406.00
073169	412	MICHAEL HARMAN		\$ -	\$ 75.00	\$ 75.00
073170	PAYROLL	VOYA FINANCIAL		\$ -	\$ 3,040.00	\$ 3,040.00
073171	402	JEFFERSON PUBLISH CO INC		\$ -	\$ 206.88	\$ 206.88
073172	425	JEFFERSON RENTAL		\$ -	\$ 57.25	\$ 57.25
073173	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,820.00	\$ 5,820.00
073174	717	J & K PRECISION AUTO CAR		\$ -	\$ 74.90	\$ 74.90
073175	ALLOC	*JEFFERSON CO EMERGENCY		\$ -	\$ 250,000.00	\$ 250,000.00
073176	424	KONE INC.		\$ -	\$ 370.50	\$ 370.50
073176	425	KONE INC.		\$ -	\$ 1,111.50	\$ 1,111.50
073177	712	LANGUAGE LINE SERVICES		\$ -	\$ 313.75	\$ 313.75
073178	403	MATTHEW BENDER & CO		\$ -	\$ 118.43	\$ 118.43
073178	405	MATTHEW BENDER & CO		\$ -	\$ 456.74	\$ 456.74
073179	412	JUDITH A MATLICK		\$ -	\$ 291.49	\$ 291.49
073180	PAYROLL	COMPTROLLER OF MARYLAND		\$ -	\$ 595.40	\$ 595.40
073181	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
073182	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
073183	716	CHRISTINA POPE		\$ -	\$ 306.00	\$ 306.00

073184	425	PRECISION POWER LLC		\$ -	\$ 2,935.80	\$ 2,935.80
073185	425	POTOMAC EDISON/OH		\$ -	\$ 2,292.69	\$ 2,292.69
073186	425	RCS SECURITY		\$ -	\$ 125.34	\$ 125.34
073187	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
073187	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
073187	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
073187	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
073187	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
073187	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
073187	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
073187	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
073187	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
073187	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
073188	717	RICE TIRES CO		\$ -	\$ 481.04	\$ 481.04
073189	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 27.00	\$ 27.00
073189	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 732.00	\$ 732.00
073189	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 56.00	\$ 56.00
073189	428	SOFTWARE SYSTEMS, INC		\$ -	\$ 377.00	\$ 377.00
073190	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 69.86	\$ 69.86
073190	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 16.34	\$ 16.34
073190	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 43,871.42	\$ 43,871.42
073190	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,260.16	\$ 10,260.16
073190	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 56.52	\$ 56.52
073190	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 42,211.37	\$ 42,211.37
073191	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 31,570.55	\$ 31,570.55
073191	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 27.93	\$ 27.93
073192	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 10,449.56	\$ 10,449.56
073192	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 15,367.02	\$ 15,367.02
073193	425	TML COPIERS & DIGITAL		\$ -	\$ 313.75	\$ 313.75
073194	405	THOMSON REUTER - WEST	52685	\$ 2,151.45	\$ -	\$ 2,151.45
073195	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 79,705.58	\$ 79,705.58
073195	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 25.55	\$ 25.55
073195	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 79.48	\$ 79.48
073195	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 25,619.74	\$ 25,619.74
073196	401	WV STATE AUDITOR**		\$ -	\$ 17,300.00	\$ 17,300.00
073197	PAYROLL	WV CPRB/LOAN DIVISION		\$ -	\$ 166.50	\$ 166.50
073198	412	WPS,INC		\$ -	\$ 64.90	\$ 64.90
073199	428	WVNET		\$ -	\$ 200.00	\$ 200.00
TOTAL						\$ 635,038.38

TOTAL				\$ 2,268.80	\$ 632,769.58	\$ 635,038.38
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Motion by Ms. Noland to approve the Accounts Payable for October 23, 2014 in the amount of \$635,038.38. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
073201	712	AT&T/GA		\$ -	\$ 86.49	\$ 86.49
073202	ALLOC	BAKERTON FIRE DEPT		\$ -	\$ 43,375.00	\$ 43,375.00
073203	716	BLUE RIDGE VETERINARY		\$ -	\$ 238.00	\$ 238.00
073204	401	201 N. GEORGE ST LLC		\$ -	\$ 9,638.92	\$ 9,638.92
073205	712	FRONTIER WV, INC		\$ -	\$ 380.00	\$ 380.00
073206	425	DODSON'S SEPTIC		\$ -	\$ 265.00	\$ 265.00
073207	425	DEHAVEN BERKELEY SPRINGS		\$ -	\$ 53.75	\$ 53.75
073208	405	FEDEX		\$ -	\$ 85.73	\$ 85.73
073208	700	FEDEX		\$ -	\$ 386.21	\$ 386.21
073209	425	FIRE SAFETY EQUIP		\$ -	\$ 1,894.50	\$ 1,894.50
073210	700	GALLS,LLC/QUATERMASTER L		\$ -	\$ 251.18	\$ 251.18
073210	716	GALLS,LLC/QUATERMASTER L		\$ -	\$ 980.47	\$ 980.47
073211	GRANT	GOOD SHEPHERD INTERFAITH		\$ -	\$ 3,111.75	\$ 3,111.75
073212	716	GRAINGER, INC		\$ -	\$ 43.66	\$ 43.66
073213	716	HILLSIDE VETERINARY HOSP		\$ -	\$ 733.12	\$ 733.12
073214	700	ITSAVVY LLC		\$ -	\$ 4,767.75	\$ 4,767.75
073215	700	JEFF CO DEPUTY SHERIFF'S		\$ -	\$ 1,230.00	\$ 1,230.00
073216	700	JEFFERSON PUBLISH CO INC		\$ -	\$ 56.70	\$ 56.70
073217	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
073218	700	MATTHEW BENDER & CO		\$ -	\$ 344.11	\$ 344.11
073219	700	MES-MARYLAND		\$ -	\$ 39.42	\$ 39.42
073220	717	MILLER'S CHRYSLER JEEP		\$ -	\$ 77.03	\$ 77.03
073221	401	PATRICIA A NOLAND		\$ -	\$ 177.52	\$ 177.52
073222	424	NEOPOST USA INC.		\$ -	\$ 330.00	\$ 330.00
073223	402	OFFICE SERVICES		\$ -	\$ 79.08	\$ 79.08
073224	425	RCS SECURITY		\$ -	\$ 2,460.35	\$ 2,460.35
073225	700	RAY ALLEN MFG,LLC.		\$ -	\$ 257.92	\$ 257.92
073226	413	SHEPHERDSTOWN CHRONICLE		\$ -	\$ 667.92	\$ 667.92
073227	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 673.00	\$ 673.00
073227	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 152.50	\$ 152.50
073228	404	SHERIFF OF JEFFERSON CO.		\$ -	\$ 14.90	\$ 14.90
073229	717	SNAP ON TOOLS		\$ -	\$ 107.01	\$ 107.01
073230	700	TPS TOWN POLICE SUPPLY		\$ -	\$ 311.02	\$ 311.02
073231	424	UPS FREIGHT		\$ -	\$ 350.00	\$ 350.00
073232	716	VALLEY PET CEMETERY		\$ -	\$ 506.00	\$ 506.00

073233	401	WV ASSOCIATION/COUNTIES		\$ -	\$ 80.00	\$ 80.00
073234	PAYROLL	WVCORP		\$ -	\$ 812.50	\$ 812.50
TOTAL						\$ 76,018.51
TOTAL				\$ -	\$ 76,018.51	\$ 76,018.51

Motion by Ms. Noland to approve the Accounts Payable for October 30, 2014 in the amount of \$76,018.51. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Jacquelyn Milliron, resident – spoke about her concerns regarding the Jefferson County Code of Ethics policy, stating she believes the County should keep this policy in tact as the Oath of Office taken by County appointed board, commission, and committee members is insufficient in ensuring ethical conduct.

Nikki Painter, Elections Clerk – notified the Commission she would have to order a portable toilet for the Blue Ridge Mountain Fire Hall polling place as their original bathroom was destroyed in a recent flood.

Eleanor Finn, resident – urged the Commission to retain the Code of Ethics document and also examine the cost of FOIA fees in the newly proposed FOIA policy, as these fees seem “excessive and restrictive.”

PRESENTATIONS

1. Pete Dougherty, Sheriff – requested the designation of Deputy First Class for Deputy Charles Hess.
 - **Motion by Mr. Manuel to approve the designation of Deputy First Class for Deputy Charles Hess. Motion seconded and unanimously approved.**

2. Teresa Shumate, Assistant Director of the Shenandoah Women’s Center and Lisa Serriana, Jefferson County Outreach Worker – requested the approval of the proclamation to designate October as Domestic Violence Awareness Month in Jefferson County.
 - **Motion by Mr. Manuel to approve the proclamation declaring October and November as Domestic Violence Awareness Month in Jefferson County. Motion seconded and unanimously approved.**

3. Interviews and Appointment to Jefferson County Community Criminal Justice Board for one three-year term ending July 3, 2017 for the position of Public Defender or Criminal Defense Attorney.

- **Motion by Ms. Noland to appoint Dave Camilletti to the Community Criminal Justice Board as Criminal Defense Attorney for one three-year term ending July 3, 2017. Motion seconded and unanimously approved.**
4. Interviews and Appointments to the North Eastern Regional EMS, Inc. Board for one two-year term ending October 31, 2016.
 - **Motion by Ms. Tabb to appoint Doug Pittinger to the North Eastern Regional EMS, Inc. Board for one two-year term ending October 31, 2016. Motion seconded and unanimously approved.**
 5. Interviews and Appointment to the HOME Consortium Council for one unexpired term ending June 30, 2016.
 - **Motion by Ms. Noland to appoint Marie Galazzi to the HOME Consortium Council for one unexpired term ending June 30, 2016. Motion seconded and unanimously approved.**
 6. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.
 7. Todd Fagan, Director of the Jefferson County GIS/Addressing Office – requested the approval to continue the County’s Address Compliance Program within Incorporated Towns, pending approval from each Town’s Council and cooperation with Town staff.
 - **Motion by Ms. Widmyer to approve continuation of the County’s Address Compliance Program within Incorporated Towns, pending approval from each Town’s Council and cooperation with Town staff. Motion seconded and unanimously approved.**
 8. Jennifer Brockman, Director of Planning and Zoning – provided the Commission with a discussion on the public comments received during the October 1, 2014 Public Hearing regarding the proposed Zoning Ordinance Text Amendment, ZTA 14-02 for Mass Gatherings/Events.
 - **Motion by Mr. Manuel to add the following language to the Comment Matrix on Zoning Ordinance Text Amendment 14-02: “Require 60% of vendors for Mass Gatherings/Events to be from West Virginia, with 40% to be from Jefferson County.” Motion seconded and unanimously approved.**
 - It was the consensus of the Commission to schedule a work session on the comments received on the Zoning Text Amendment 14-02 during a regularly scheduled meeting in January 2015.

9. Tim Stanton, Finance Director

- **Motion by Ms. Noland to approve Internal Budget Revision #3 in the amount of \$1,200 for the Assessor's Office. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to approve Internal Budget Revision #4 in the amount of \$174,488 for the Commission Office. Motion seconded and unanimously approved.**

10. Debbie Keyser, County Administrator

- Discussion on the Proposed FOIA Policy for the County
 - It was the consensus of the Commission to change “legal counsel” to “civil counsel.”
 - It was the consensus of the Commission to add language to the FOIA policy to state that any FOIA request received by a department head or elected official must immediately be given to civil counsel with a copy of the request provided to the County Administrator for informational purposes.
 - It was the consensus of the Commission to add the definition of “Freedom of Information Act Request” to the policy.
 - It was the consensus of the Commission to add language to the policy which states civil counsel will be responsible for the copying and mailing FOIA documents.
 - It was the consensus of the Commission to allow citizens to review and select FOIA documents prior to charging for document copies.
 - It was the consensus of the Commission to direct civil counsel to document the action taken after a FOIA request has been answered, particularly if a citizen has been directed to information readily available on the County's webpage.
 - It was the consensus of the Commission to direct Ms. Keyser to make the edits to the FOIA policy as discussed and bring it back before the body at a subsequent meeting.
- Website Update – Ms. Keyser stated the wireframe for the homepage of the new County website had been approved and the entire website was still on track to launch in June of 2015. The Commission requested staff research ways to expedite the launch date.

- Temporary Employee in the County Clerk’s Office – Ms. Keyser notified the Commission the County Clerk would be hiring a temporary employee for no more than five weeks to assist staff until a full time member was hired.
- Eastern Panhandle Legislative Summit – it was the consensus of the Commission to arrange a Jefferson County legislative summit and invite the local delegates and senators of the area. Ms. Keyser stated she would contact Patti Hamilton, WVACO Director, to discuss prospective dates for the summit.
- Ethics/Robert’s Rules Training Reminder – Ms. Keyser reminded the Commission about a training session for Ethics and Robert’s Rules of Order to be held on Wednesday, November 5, 2014 at 1:30 pm and 6:30 pm in the County Commission meeting room.
- Update on Ambulance Fee Collections – Ms. Keyser stated \$578,870 in ambulance fee payments have been collected to date, with \$371,000 distributed to JCESA.
- RFP IT Bid Summary – MS. Keyser stated she received two bids for the RFP IT – one from Global Data and one from Accurate Systems, and after reviewing the bids, Ms. Keyser stated staff’s recommendation was for Accurate Systems.
 - **Motion by Ms. Widmyer to pursue RFP #1 with Accurate Systems for a three-year contract. Motion seconded and unanimously approved.**
- Ambulance Fee for Citizens with property sold between July 1, 2014 and September 15, 2014 Homeowner Exonerations
 - **Motion by Ms. Tabb to move forward with granting homeowner exonerations from the ambulance fee for property sold between July 1, 2014 and September 15, 2014 for this year only. Motion seconded and passes on a vote of 4-1 with Ms. Noland opposing.**
- Update from Legal Counsel regarding the Closure of the Ranson Comcast Office – Ms. Grove stated Comcast was well within their rights to close their Ranson office since the cable franchise agreement stated there must be a customer service office within 30 miles of the franchise authority, and there is currently an operating office in Martinsburg.
- Discuss Pending Litigation and Negotiations for Buildings/Space Needs – Executive Session §6-9A-4
 - **Motion by Ms. Noland to enter into Executive Session, citing §6-9A-4 to discuss pending litigation and contract negotiations for space needs. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**

NEW BUSINESS

11. Reconsider the decision of May 29, 2014, to require appointees to sign Jefferson County Code of Ethics forms.
 - It was the consensus of the Commission to eliminate the Code of Ethics cover letter and the signature line on the Code of Ethics Document.
 - It was the consensus of the Commission to incorporate the Code of Ethics Document within the Ethics and Open Meetings Training Packet given to newly appointed and reappointed board, commission, and committee members.
 - **Motion by Ms. Noland to add a signature line and language to the Ethics Training Packet which states, “I have received, read, and understand the Jefferson County Ethics and Open Meetings Training Packet.” Motion seconded and unanimously approved.**
 - It was the consensus of the Commission to request staff to revise the Ethics and Open Meetings Training Packet as directed and bring it back before the body during a subsequent meeting.
12. Day Report Center Funding
 - **Motion by Ms. Tabb to allow remaining monies allocated to the Day Report Center that was not required for the grant match be permitted to be used for operational costs. Motion seconded and unanimously approved.**
13. Approval of Date and Time for the Canvass of the 2014 General Election
 - **Motion by Mr. Manuel to approve November 10, 2014 at 9:00 a.m. as the date and time for the 2014 General Election Canvass. Motion seconded and unanimously approved.**
14. The Commission recessed at pm.
The Commission reconvened at 7:00 pm.
15. Work Session – Joint Work Session between the Planning Commission and the County Commission to discuss the Redlined Version of the Draft 2014 Comprehensive Plan entitled Envision Jefferson 2035 recommended to the County Commission on October 14, 2014.

SPECIAL SESSION:

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held at County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 on October 30, 2014 at 7:00 pm (An audio file of the October 30, 2014 meeting is available through the Jefferson County Commission Office.)

PRESENT: Walt Pellish, President
Jane Tabb, Vice President
Dale Manuel, Commissioner
Patsy Noland, Commissioner
Lyn Widmyer, Commissioner
Debbie Keyser, County Administrator
Jennie Brockman, Director of Planning and Zoning
Jessica Carroll, Executive Administrative Assistant

Also present were Planning Commission members Steve Stolipher, Mike Chapman, Donnie Fisher, Richard Childs, Wade Louthan, Gary Phalen, and Peter Fricke.

RE: Joint Work Session between the County Commission and the Planning Commission on the Redlined Version of the 2014 Draft Comprehensive Plan.

President Pellish opened the work session at 7:02 pm. Jennie Brockman, Director of Planning and Zoning, provided the public with a complete overview of the 2014 Draft Comprehensive Plan and outlined the next steps that need to be taken, including a Public Hearing scheduled for the evening of November 6, 2014 and potential work sessions for the County Commission to further discuss the 2014 Comprehensive Plan Draft. The County Commission thanked the Planning Commission and the Steering Committee for their hard work on the plan and made mention of a few issues they would have liked to see addressed in the plan, namely an alternate route to and from Shannondale or “the Mountain,” the bottleneck between the bridges on Rt. 340 East, and the expansion of public services in coordination with growth. There being no further comments, President Pellish closed the joint work session.

The meeting was adjourned at 8:15 pm on a motion by Mr. Manuel. Motion was seconded and unanimously approved.

WALT PELLISH, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant