

Minutes

Jefferson County Commission

Tuesday, March 10, 2015

A meeting of the Jefferson County Commission was held on Tuesday, March 10, 2015 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 Eric Bell, Dale Manuel, Patsy Noland, Walter Pellish, and Jane Tabb. Also present were Stephanie Grove, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Tuesday, March 10, 2015 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 February 11, 2015 Budget Presentation Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Manuel to approve the February 12, 2015 Budget Presentation Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Bell to approve the February 13, 2015 Budget Presentation Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Pellish to approve the February 17, 2015 Budget Presentation Minutes as presented. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the February 17, 2015 Board of Review and Equalization Minutes as presented. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the February 19, 2015 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the February 20, 2015 Board of Review and Equalization Minutes with noted correction. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Ms. Tabb to approve the Payroll for February 26, 2015 in the amount of \$226,504.08. Motion unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
073877	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 4,352.80	\$ 4,352.80
073878	412	COMCAST		\$ -	\$ 103.63	\$ 103.63
073878	425	COMCAST		\$ -	\$ 610.24	\$ 610.24
073879	717	BRUCE'S AUTO REPAIR		\$ -	\$ 12.00	\$ 12.00
073880	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
073881	PAYROLL	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
073882	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
073883	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
073884	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
073885	403	CASTO & HARRIS INC		\$ -	\$ 262.19	\$ 262.19
073886	ALLOC	CITIZENS FIRE COMPANY		\$ -	\$ 43,375.00	\$ 43,375.00
073887	712	FRONTIER WV, INC		\$ -	\$ 380.00	\$ 380.00
073888	405	MARCIA LYNN CHANDLER		\$ -	\$ 354.20	\$ 354.20
073889	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
073890	PAYROLL	COLONIAL LIFE		\$ -	\$ 516.18	\$ 516.18
073891	700	BRANDON CONWAY		\$ -	\$ 276.00	\$ 276.00
073892	405	DELL MARKETING LP		\$ -	\$ 1,877.81	\$ 1,877.81

073893	425	DAYCON		\$ -	\$ 983.92	\$ 983.92
073894	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
073895	716	JESSICA EBERSOLE		\$ -	\$ 64.50	\$ 64.50
073896	405	EASTERN PANHANDLE BAR		\$ -	\$ 175.00	\$ 175.00
073897	PAYROLL	STACI HOVERMALE		\$ -	\$ 181.23	\$ 181.23
073898	412	MICHAEL HARMAN		\$ -	\$ 516.04	\$ 516.04
073899	700	ALBERT HOCKMAN		\$ -	\$ 276.00	\$ 276.00
073900	PAYROLL	VOYA FINANCIAL		\$ -	\$ 2,590.00	\$ 2,590.00
073901	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 165.60	\$ 165.60
073901	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 157.02	\$ 157.02
073901	402	JEFFERSON PUBLISH CO INC		\$ -	\$ 159.32	\$ 159.32
073902	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
073903	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,720.00	\$ 5,720.00
073904	401	LEWIS CO CIRCUIT CLERK		\$ -	\$ 44.21	\$ 44.21
073905	405	RALPH A LORENZETTI JR		\$ -	\$ 568.36	\$ 568.36
073906	712	LANGUAGE LINE SERVICES		\$ -	\$ 150.11	\$ 150.11
073907	716	DENISE LAMBIOTTE		\$ -	\$ 64.50	\$ 64.50
073908	412	JUDITH A MATLICK		\$ -	\$ 255.47	\$ 255.47
073909	712	PRIORITY DISPATCH	52542	\$ 5,250.00	\$ -	\$ 5,250.00
073910	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
073911	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
073912	404	OFFICE SERVICES		\$ -	\$ 128.70	\$ 128.70
073913	424	OFFICEMAX		\$ -	\$ 130.58	\$ 130.58
073914	424	PATRIOT FIRE AND SECURIT		\$ -	\$ 150.00	\$ 150.00
073914	425	PATRIOT FIRE AND SECURIT		\$ -	\$ 3,260.00	\$ 3,260.00
073915	716	CHRISTINA POPE		\$ -	\$ 64.50	\$ 64.50
073916	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
073916	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58

073916	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
073916	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
073916	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
073916	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
073916	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
073916	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
073916	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
073916	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
073917	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 0.78	\$ 0.78
073917	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 3.32	\$ 3.32
073917	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 9,771.78	\$ 9,771.78
073917	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 41,782.94	\$ 41,782.94
073917	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2.34	\$ 2.34
073917	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 39,907.99	\$ 39,907.99
073918	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 1.23	\$ 1.23
073918	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 30,088.44	\$ 30,088.44
073919	403	WV ASSOC OF CIRCUIT CLER		\$ -	\$ 350.00	\$ 350.00
073920	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 15,765.81	\$ 15,765.81
073920	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 10,720.75	\$ 10,720.75
073921	405	BRANDON C.H. SIMS		\$ -	\$ 92.00	\$ 92.00
073922	712	TELTRONIC		\$ -	\$ 458.00	\$ 458.00
073923	405	THOMSON REUTER - WEST	52685	\$ 893.75	\$ -	\$ 893.75
073924	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 1.22	\$ 1.22
073924	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 3.78	\$ 3.78
073924	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 76,381.38	\$ 76,381.38
073924	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 24,551.19	\$ 24,551.19
073925	PAYROLL	WV CPRB/LOAN DIVISION		\$ -	\$ 166.50	\$ 166.50
073926	700	JOSEPH WINDLE		\$ -	\$ 276.00	\$ 276.00

TOTAL						\$ 330,067.75
TOTAL				\$ 6,143.75	\$ 323,924.00	\$ 330,067.75

Motion by Ms. Noland to approve the accounts payable for February 26, 2015 in the amount of \$330,067.75. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
073928	425	COMCAST		\$ -	\$ 189.90	\$ 189.90
073929	712	AT&T/GA		\$ -	\$ 19.02	\$ 19.02
073930	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 613.28	\$ 613.28
073931	413	APPLE VALLEY OFF.PRODUCT	52470	\$ 43.00	\$ -	\$ 43.00
073932	425	B-K OFFICE SUPPLY INC		\$ -	\$ 90.00	\$ 90.00
073933	401	201 N. GEORGE ST LLC		\$ -	\$ 9,638.92	\$ 9,638.92
073934	404	CASTO & HARRIS INC		\$ -	\$ 683.80	\$ 683.80
073934	413	CASTO & HARRIS INC		\$ -	\$ 845.00	\$ 845.00
073935	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
073936	425	DEHAVEN BERKELEY SPRINGS		\$ -	\$ 48.86	\$ 48.86
073937	PAYROLL	DELTA DENTAL OF WV		\$ -	\$ 5,802.81	\$ 5,802.81
073938	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 21,146.05	\$ 21,146.05
073939	PAYROLL	GUARDIAN		\$ -	\$ 1,678.20	\$ 1,678.20
073939	PAYROLL	GUARDIAN		\$ -	\$ 1,886.29	\$ 1,886.29
073940	402	SALLY GRAN		\$ -	\$ 192.90	\$ 192.90
073941	717	INTERSTATE ALL BATTERY		\$ -	\$ 91.30	\$ 91.30
073942	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 907.22	\$ 907.22
073943	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 92.08	\$ 92.08
073944	GRANT	JEFFERSON PUBLISH CO INC		\$ -	\$ 56.70	\$ 56.70
073945	440	MICHAEL MONAGHAN		\$ -	\$ 97.00	\$ 97.00
073946	PAYROLL	HIGHMARK WV		\$ -	\$ 161,955.28	\$ 161,955.28
073947	ALLOC	JEFF CO PARKS &		\$ -	\$ 13,797.00	\$ 13,797.00
073948	404	PIFER OFFICE SUPPLY, INC		\$ -	\$ 15.59	\$ 15.59
073948	406	PIFER OFFICE SUPPLY, INC		\$ -	\$ 371.16	\$ 371.16
073948	413	PIFER OFFICE SUPPLY, INC		\$ -	\$ 471.05	\$ 471.05
073949	402	PAIGE CO CONTAINERS, INC		\$ -	\$ 214.00	\$ 214.00
073950	425	RCS SECURITY		\$ -	\$ 564.00	\$ 564.00
073951	PAYROLL	RETIREE HLTH BENEFIT TRS		\$ -	\$ 7,181.00	\$ 7,181.00
073952	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 383.04	\$ 383.04
073952	424	SOFTWARE SYSTEMS, INC		\$ -	\$ 491.96	\$ 491.96

073953	403	UNITED SYSTEMS & SOFTWARE		\$ -	\$ 227.00	\$ 227.00
073954	PAYROLL	UNICARE EAP		\$ -	\$ 322.20	\$ 322.20
073955	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 15,316.90	\$ 15,316.90
073956	405	THOMSON REUTERS - WEST	52685	\$ 528.50	\$ -	\$ 528.50
073957	716	WV BOARD VETERINARY MED		\$ -	\$ 250.00	\$ 250.00
073958	402	XEROX CORPORATION	52468	\$ 1,398.31	\$ -	\$ 1,398.31
073958	439	XEROX CORPORATION	52329	\$ 612.54	\$ -	\$ 612.54
TOTAL						\$ 249,721.86
TOTAL				\$ 2,582.35	\$ 247,139.51	\$ 249,721.86

Motion by Mr. Manuel to approve the accounts payable for March 5, 2015 in the amount of \$249,721.86. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Eleanor Finn, resident and member of the Jefferson County League of Women Voters – spoke against the reduction or potential elimination of impact fees. Ms. Finn also notified the Commission of a Mental Health Forum to be held on Saturday, March 14 at the Presbyterian Church in Shepherdstown.

PRESENTATIONS

1. Bill Polk, Director of Maintenance - requested the approval of bid recommendation for the Jefferson County Courthouse Roof and Clock Tower Renovation.
 - **Motion by Ms. Noland to approve the bid by Minghini’s General Contractors, Inc. for repairs and renovation to the Jefferson County Courthouse Roof and Clock Tower, as presented by Mr. Polk. Motion seconded and unanimously approved.**

2. Pete Dougherty, Sheriff – requested the approval to have four Fish and Wildlife Service Agents sworn in as Special Deputies.
 - **Motion by Ms. Noland to approve the swearing in of four Fish and Wildlife Service Agents, Keith Toomey, Mark Hedrick, Jeffrey McAboy, and Scott Colgan as Special Deputies for the Jefferson County Sheriff’s Department. Motion seconded and unanimously approved.**

3. Angie Banks, Assessor

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Daniel Mumaw	CTD	Real Estate	4725	\$1,467.15

- **Motion by Ms. Noland to approve the Exoneration as presented by the Assessor. Motion unanimously approved.**
4. Ralph Lorenzetti, Prosecuting Attorney – requested the approval of a part-time legal assistant from March 9, 2015 – June 8, 2015.
- **Motion by Ms. Noland to approve the hiring of a part-time legal assistant from March 9, 2015 – June 8, 2015. Motion seconded and unanimously approved.**
5. Steve Groh, Assistant Prosecuting Attorney - provided the Commission with a legal update on the pending litigation styled as Jefferson County Board of Education v. Jefferson County Commission, Civil Action No. 15-C-40. The Commission discussed the Impact Fee Ordinance amendments and/or changes to the amount of the impact fee and possible action on the same, and scheduling a potential public hearing for changes in the ordinance/fee amount, etc.
- **Motion by Ms. Noland to enter into Executive Session to discuss pending litigation. Motion seconded and unanimously approved.**
 - It was the consensus of the Commission to hold a public hearing on the matter of Impact Fees on Monday, March 16, 2015 at 7:00 p.m.
6. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.
7. Lynn Fields, Deputy Probate Clerk – requested the Commission set a hearing date to discuss the petition to remove Ricky Crum as Executor of the Estate of Gardner W. Dillow and appoint either the Sheriff of Jefferson County or the Bank of Charles Town as the Administrator of the Dillow Estate.
- It was the consensus of the Commission to hold a public hearing on the petition to remove Ricky Crum as Executor of the Estate of Gardner W. Dillow and appoint either the Sheriff of Jefferson County or the Bank of Charles Town as the Administrator of the Dillow Estate on Thursday, March 19, 2015 at 1:30 pm.
8. Ronda Eddy, Jefferson Day Report Center – requested the approval of the Resolution of support for the Community Corrections Grant.
- **Motion by Mr. Manuel to approve the Resolution of support for the Community Corrections Grant. Motion seconded and unanimously approved.**

- **Motion by Mr. Manuel to sign the Standards and Conditions document for the Community Corrections Grant. Motion seconded and unanimously approved.**

9. Roger Goodwin, Chief County Engineer

a. Feagan's Mill – Floodplain Ordinance Variance request by Danny Lutz, owner

- **Motion by Mr. Manuel to grant a variance from the requirements of the Jefferson County Floodplain Ordinance to allow for the restoration of Feagan's Mill on the basis of being a historic structure and with the conditions outlined in the attached March 5, 2015 memorandum by Roger Goodwin, Chief County Engineer. Motion seconded and unanimously approved.**

b. Presentation of FY2016 Capital Improvement Plan for the Office of Impact Fees

- **Motion by Mr. Manuel to approve the FY2016 Capital Improvement Plan for the Office of Impact Fees as presented. Motion seconded and unanimously approved.**

10. Jennifer Brockman, Director of Planning and Zoning

a. Recommendation from the Planning Commission to the County Commission to amend Section 20.104, "Exceptions," of the Jefferson County Subdivision and Land Development Regulations, subsection "C," to "exempt" public utilities and private utility firms processing easements from these Regulations for the purpose of setting a public hearing to be held by the County Commission (STA15-02)

b. Recommendation from the Planning Commission to the County Commission to amend Section 24.200, "Waivers," of the Jefferson County Subdivision and Land Development Regulations to change the last sentence of the introductory paragraph stating "No process or procedural waivers shall be granted" to "Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval" for the purpose of setting a public hearing to be held by the County Commission (STA12-03)

c. Recommendation from the Planning Commission to the County Commission to amend the definition of "days" from business days to calendar days in Section 26.200 of the Jefferson County Subdivision and Land Development Regulations for the purpose of setting a public hearing to be held by the County Commission (STA15-01)

- It was the consensus of the Commission to hold a public hearing on the above listed amendments to the Jefferson County Subdivision and Land Development Regulations on Thursday, March 26, 2015 at 7:00 p.m.

NEW BUSINESS

11. Provide Jefferson Arts Council with a letter of support for a grant application to the WV Commission on the Arts
 - **Motion by Mr. Manuel to provide a letter of support to the Jefferson Arts Council for a grant application to the WV Commission on the Arts. Motion seconded and unanimously approved.**
12. Amend new impact fees for residential housing to 70% of the fees in the 2015 Recalculation Study using housing unit types from the 2015 Recalculation Study.
 - It was the consensus of the Commission to postpone discussion/action on this item until the March 19, 2015 Regular County Commission Meeting.
13. Amend Emergency Services Agency Reorganization Ordinance to remove Ambulance Fee Revenue Sharing.
 - It was the consensus of the Commission to postpone action on this item until the March 19, 2015 Regular County Commission Meeting.
14. Discussion of Jefferson County Emergency Services Agency 24 –hour shifts.
 - **Motion by Ms. Tabb to request County Administrator direct staff to research the legality of 24 hour shifts for FF/EMS staffing at the ESA. Motion seconded and unanimously approved.**
15. Approval of Horseman’s Resolution of Support
 - **Motion by Mr. Manuel to adopt and sign the Resolution of Support for the Horseman’s Benevolent and Protective Agency and forward to lawmakers in Charleston. Motion seconded and unanimously approved.**
16. Discuss eliminating school impact fees and revisiting vehicle impact fees.
 - The Commissioners expressed their opinions on impact fees; however, it was the consensus of the Commission to delay action on this item until after the public hearing on impact fees, scheduled for Monday, March 16, 2015 at 7:00 pm.
17. Decision on the landowner-initiated petition to amend the County Zoning Map for a 0.98 acre property owned by David N. Slusher, designated as Tax District: Kabletown (06), Map:11, Parcel: 3.2, located on the southwest corner of the Route 340/Straithmore Farm Lane/Wheatland Road intersection – Planning and Zoning File #Z14-02.

- **Motion by Ms. Tabb to approve the rezoning request for 0.98 acre property owned by David N. Slusher, designated as Tax District: Kabletown (06), Map:11, Parcel: 3.2, located on the southwest corner of the Route 340/Straithmore Farm Lane/Wheatland Road intersection and change the zoning designation from rural to general commercial. Motion seconded and unanimously approved.**

18. Approval to use Jefferson County Commission meeting room on Saturday, April 18, 2015 at 1:00 pm for a Youth Meeting with Civil Rights leader Ruby Sales.

- **Motion by Mr. Manuel to approve the use of the JCC meeting room on April 18, 2015 for a Youth Meeting with Civil Rights leader Ruby Sales. Motion seconded and unanimously approved.**

19. Legislative Updates – Mr. Manuel, Mr. Bell, and Ms. Noland reported on various house and senate bills of interest to the County and the community.

COUNTY ADMINISTRATOR REPORTS

➤ Reclassify Job Position

- **Motion by Mr. Manuel to approve the reclassification of the Executive Assistant position within the Commission Office from 35 hours a week to 37.5 hours a week, effective July 1, 2015. Motion seconded and unanimously approved.**

➤ Space Needs Discussion – Possible Executive Session

- **Motion by Mr. Manuel to enter into Executive Session to discuss property negotiations. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**

20. Tim Stanton, Finance Director

Internal Budget Revision

- **Motion by Mr. Pellish to approve Internal Budget Revision #7 as presented. Motion seconded and unanimously approved.**

Review of Proposed FY16 Budget Adjustments

Mr. Stanton notified the Commission they had a surplus of \$19,415.00 and needed to determine what they'd like to do with the monies.

- **Motion by Mr. Manuel to provide \$3,000 of the surplus to the Parks and Recreation employees so they could each receive a \$500.00 raise. Motion seconded but fails on a vote of 1-4 with Mr. Bell, Ms. Tabb, Ms. Noland, and Mr. Pellish opposing.**
- **Motion by Ms. Noland to place the \$19,415 surplus into the Contingency Fund. Motion seconded and unanimously approved.**

21. The Commission meeting was adjourned at 1:37 pm on a motion by Ms. Noland. Motion was seconded and unanimously approved.

JANE M. TABB, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant