

Minutes

Jefferson County Commission

Thursday, October 1, 2015

A meeting of the Jefferson County Commission was held on Thursday, October 01, 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 Thursday, October 01, 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 Mr. Manuel to approve the September 17, 2015 Regular Meeting Minutes with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Ms. Tabb to approve the September 24, 2015 Payroll in the amount of \$229,140.79. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
075054	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,997.18	\$ 3,997.18
075055	412	COMCAST		\$ -	\$ 103.63	\$ 103.63
075055	425	COMCAST		\$ -	\$ 615.19	\$ 615.19
075056	424	AT&T/IL		\$ -	\$ 1.51	\$ 1.51

075057	425	BIEDLERS ELEC MOTOR REP		\$ -	\$ 25.58	\$ 25.58
075058	ALLOC	BLUE RIDGE FIRE CO.		\$ -	\$ 50,000.00	\$ 50,000.00
075059	406	ANGELA L BANKS		\$ -	\$ 66.30	\$ 66.30
075060	425	B-K OFFICE SUPPLY INC		\$ -	\$ 1,857.92	\$ 1,857.92
075061	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
075062	PAYROLL	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
075063	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
075064	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
075065	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
075066	712	FRONTIER WV, INC		\$ -	\$ 380.00	\$ 380.00
075067	PAYROLL	COLONIAL LIFE		\$ -	\$ 385.42	\$ 385.42
075068	PAYROLL	JESSICA EBERSOLE		\$ -	\$ 5.55	\$ 5.55
075069	404	FEDEX		\$ -	\$ 44.75	\$ 44.75
075069	405	FEDEX		\$ -	\$ 39.70	\$ 39.70
075069	700	FEDEX		\$ -	\$ 73.95	\$ 73.95
075070	425	FIDELITY ENGINEERING		\$ -	\$ 5,931.12	\$ 5,931.12
075071	402	VIVIAN FIELDS		\$ -	\$ 45.43	\$ 45.43
075072	402	SALLY GRAN		\$ -	\$ 45.43	\$ 45.43
075073	717	GUTTMAN OIL CO		\$ -	\$ 10,450.77	\$ 10,450.77
075074	425	OX PAPERBOARD CO		\$ -	\$ 35.00	\$ 35.00
075075	700	HAGERSTOWN FORD/KING	48571	\$ 78,000.00	\$ -	\$ 78,000.00
075076	PAYROLL	VOYA FINANCIAL		\$ -	\$ 3,085.00	\$ 3,085.00
075077	401	INSIGHT A/V SERVICES		\$ -	\$ 205.13	\$ 205.13
075078	402	JEFFERSON PUBLISH CO INC		\$ -	\$ 174.08	\$ 174.08
075078	424	JEFFERSON PUBLISH CO INC		\$ -	\$ 82.80	\$ 82.80
075079	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
075080	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,540.00	\$ 5,540.00
075081	712	LANGUAGE LINE SERVICES		\$ -	\$ 451.81	\$ 451.81
075082	PAYROLL	LYNDSEY W. MATSCHAT		\$ -	\$ 27.41	\$ 27.41
075083	PAYROLL	MAZZITTI & SULLIVAN EAP		\$ -	\$ 936.00	\$ 936.00
075084	412	SHAY MCNEIL		\$ -	\$ 253.56	\$ 253.56
075085	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
075086	700	ROBIN MAHONY		\$ -	\$ 6.66	\$ 6.66
075087	424	NEOPOST MIDATLANTIC		\$ -	\$ 224.60	\$ 224.60
075088	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
075089	425	PRECISION POWER LLC		\$ -	\$ 2,935.80	\$ 2,935.80
075090	425	POTOMAC EDISON/OH		\$ -	\$ 18.86	\$ 18.86
075091	405	TRACY P. HERRON-RICE RPR		\$ -	\$ 177.10	\$ 177.10
075092	425	RCS SECURITY		\$ -	\$ 618.00	\$ 618.00
075092	425	RCS SECURITY		\$ -	\$ 85.00	\$ 85.00

075093	717	RICE TIRES CO		\$ -	\$ 603.20	\$ 603.20
075094	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 149.00	\$ 149.00
075094	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 859.00	\$ 859.00
075094	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 58.00	\$ 58.00
075094	428	SOFTWARE SYSTEMS, INC		\$ -	\$ 392.00	\$ 392.00
075095	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 42,510.88	\$ 42,510.88
075095	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 79.52	\$ 79.52
075095	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 18.60	\$ 18.60
075095	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 9,942.18	\$ 9,942.18
075095	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 40,370.70	\$ 40,370.70
075095	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 62.54	\$ 62.54
075096	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 2,559.99	\$ 2,559.99
075096	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 375.24	\$ 375.24
075096	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 30,287.11	\$ 30,287.11
075096	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 31.37	\$ 31.37
075097	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 14,196.45	\$ 14,196.45
075097	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 10,055.77	\$ 10,055.77
075098	405	BRANDON C.H. SIMS		\$ -	\$ 548.52	\$ 548.52
075099	425	STAPLES		\$ -	\$ 238.49	\$ 238.49
075100	700	JEFFERY SAGER		\$ -	\$ 6.97	\$ 6.97
075101	405	THOMSON REUTER - WEST		\$ -	\$ 2,215.99	\$ 2,215.99
075102	712	WV ENHANCED 911 COUNCIL		\$ -	\$ 265.68	\$ 265.68
075103	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 446.57	\$ 446.57
075103	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 30.74	\$ 30.74
075103	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 1,004.75	\$ 1,004.75
075103	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 92.23	\$ 92.23
075103	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 74,087.75	\$ 74,087.75
075103	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 24,695.91	\$ 24,695.91
075104	401	WV STATE AUDITOR**		\$ -	\$ 17,300.00	\$ 17,300.00
075105	PAYROLL	WVCORP		\$ -	\$ (2,939.00)	\$ (2,939.00)
075106	PAYROLL	WVCORP		\$ -	\$ 39,608.50	\$ 39,608.50
075107	717	WHOLESALE TIRES, INC.		\$ -	\$ 10.58	\$ 10.58
TOTAL						\$ 480,364.48
TOTAL				\$ 78,000.00	\$ 402,364.48	\$ 480,364.48

Motion by Ms. Noland to approve the accounts payable for September 24, 2015 in the amount of \$480,364.48. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
075109	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,955.42	\$ 3,955.42
075110	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 1,512.12	\$ 1,512.12
075111	ALLOC	BOLIVAR/HARPERS FERRY		\$ -	\$ 15,625.00	\$ 15,625.00
075112	425	B-K OFFICE SUPPLY INC		\$ -	\$ 247.21	\$ 247.21
075113	401	201 N. GEORGE ST LLC		\$ -	\$ 9,638.92	\$ 9,638.92
075114	425	CITY OF CHARLES TOWN		\$ -	\$ 20.00	\$ 20.00
075115	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
075115	ALLOC	OLD CHARLES TOWN LIBRARY		\$ -	\$ 15,625.00	\$ 15,625.00
075116	PAYROLL	DELTA DENTAL OF WV		\$ -	\$ 6,162.57	\$ 6,162.57
075117	425	DIAMOND ELECTRIC		\$ -	\$ 1,130.25	\$ 1,130.25
075118	ALLOC	EASTERN PANHANDLE TRANSI		\$ -	\$ 2,568.75	\$ 2,568.75
075119	425	FIDELITY POWER SYSTEMS		\$ -	\$ 3,245.00	\$ 3,245.00
075120	PAYROLL	THE HARTFORD		\$ -	\$ 2,292.35	\$ 2,292.35
075120	PAYROLL	THE HARTFORD		\$ -	\$ 4,269.00	\$ 4,269.00
075121	401	RICOH USA, INC		\$ -	\$ 29.06	\$ 29.06
075121	403	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
075121	404	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
075121	405	RICOH USA, INC		\$ -	\$ 87.21	\$ 87.21
075121	406	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
075121	425	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
075121	433	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
075121	440	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
075121	700	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
075121	712	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
075122	ALLOC	JEFF CO DEVELOPMENT AUTH		\$ -	\$ 29,500.00	\$ 29,500.00
075123	ALLOC	JEFFERSON CO EMERGENCY		\$ -	\$ 361,890.50	\$ 361,890.50
075124	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 2,239.07	\$ 2,239.07
075125	425	JEFFERSON COUNTY SOLID		\$ -	\$ 48.57	\$ 48.57
075126	433	LYLE SIGNS, INC.		\$ -	\$ 208.12	\$ 208.12
075127	412	JUDITH A MATLICK		\$ -	\$ 376.78	\$ 376.78
075128	GRANT	MINGHINI'S		\$ -	\$ 64,110.19	\$ 64,110.19
075129	424	RICCI MCINTYRE		\$ -	\$ 59.95	\$ 59.95
075130	PAYROLL	HIGHMARK WV		\$ -	\$ 168,209.87	\$ 168,209.87

075131	401	MAXIM REPORTING LLC		\$ -	\$ 225.00	\$ 225.00
075132	PAYROLL	NATIONAL VISION ADMIN.		\$ -	\$ 1,810.20	\$ 1,810.20
075133	433	OFFICEMAX		\$ -	\$ 122.22	\$ 122.22
075134	ALLOC	JEFF CO PARKS &		\$ -	\$ 34,051.85	\$ 34,051.85
075134	ALLOC	JEFF CO PARKS &		\$ -	\$ 62,277.75	\$ 62,277.75
075135	404	PIFER OFFICE SUPPLY, INC		\$ -	\$ 60.43	\$ 60.43
075135	406	PIFER OFFICE SUPPLY, INC		\$ -	\$ 7.82	\$ 7.82
075135	413	PIFER OFFICE SUPPLY, INC		\$ -	\$ 101.73	\$ 101.73
075136	ALLOC	SHEPHERDSTOWN PUB LIBRAR		\$ -	\$ 15,625.00	\$ 15,625.00
075137	ALLOC	SOUTH JEFFERSON PUBLIC		\$ -	\$ 15,625.00	\$ 15,625.00
075138	425	SHERWIN-WILLIAMS		\$ -	\$ 16.94	\$ 16.94
075139	405	CATHERINE A. SLAYDEN		\$ -	\$ 66.00	\$ 66.00
075140	401	STAPLES - CONTRACT		\$ -	\$ 29.36	\$ 29.36
075141	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 37,803.05	\$ 37,803.05
075142	405	THOMSON REUTER - WEST		\$ -	\$ 467.50	\$ 467.50
075143	405	WV STATE BAR		\$ -	\$ 500.00	\$ 500.00
075144	412	WVU		\$ -	\$ 3,700.00	\$ 3,700.00
075145	PAYROLL	WVCORP		\$ -	\$ 39,608.50	\$ 39,608.50
075145	PAYROLL	WVCORP		\$ -	\$ (2,939.00)	\$ (2,939.00)
075146	428	XEROX BUSINESS SRVCS LLC		\$ -	\$ 14,237.54	\$ 14,237.54
TOTAL						\$ 918,238.50
TOTAL					\$ 918,238.50	

Motion by Mr. Manuel to approve the accounts payable for October 1, 2015 in the amount of \$918,238.50. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Paul Rosa, resident – requested the Commission not enter into executive session for item #11 as the subject of the discussion is a public officer and not an employee of the county.

David Tabb, resident – provided Ms. Tabb condolences on the passing of her mother and updated the Commission on the issue of the display of flags outside of the County Commission meeting room.

PRESENTATIONS

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
ViaSat Communications, Inc.	PP	CT	304710	\$9.42

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
ViaSat Communications, Inc.	PP	Ranson	314440	\$122.80

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Samuel and Sharon Oden	PP	CT	303459	\$169.60

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Wanda Hughes	PP	CT	302351	\$282.68

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Ronald and Susan Alexander	PP	HF	306697	\$108.36

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

2. Jennifer Maghan, County Clerk – requested the approval to hire an assistant deputy clerk replacement in the County Clerk’s Office.
 - **Motion by Ms. Noland to approve the hire of Elaina Maze as an assistant deputy clerk in the County Clerk’s Office with a starting salary of \$29,690.00 Grade II, Step E. Motion seconded and unanimously approved.**
3. Nikki Painter, Chief Deputy of Elections – notified the Commission of two precinct changes for the December 12, 2015 Special Election. Ms. Painter stated Precinct 31, Covenant Baptist Church, and Precinct 35 A&B, Shepherdstown Fire Hall, were unavailable for the December Special Elections, so the precincts have been changed to St. James Lutheran Church and Crossroads Church.
4. Randy Funkhouser, President, Charles Town Horseman’s Benevolent Protective Agency - provided the Commission with an update on the HBPA Economic Impact Petition.
5. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.
6. Martin Burke, President, Jefferson County Historic Landmarks Commission – requested exemption from 2015 taxes on 1.80 acres of property in the amount of \$1,140.66, property located within the proposed Antietam Battlefield boundary expansion to include Shepherdstown Battlefield.
 - **Motion by Mr. Manuel to request the Sheriff to remove the property from the Sheriff’s Delinquent Tax Sale and direct the Historic Landmarks Commission to request the Civil War Trust cover the taxes at time of closing. Motion seconded and unanimously approved.**
7. Annette Gavin, Jefferson County Convention and Visitor’s Bureau
 - a. Requested approval to allow Harpers Ferry Bookshop sales on CVB/JCC property in the event of a government shutdown.
 - **Motion by Mr. Manuel to allow the Harpers Ferry Bookshop to make sales on CVB/JCC property temporarily in the event of any future government shutdown. Motion seconded and passes on a vote of 3-2 with Mr. Bell and Mr. Pellish opposing.**
 - b. Requested the Commission authorize the Jefferson County Maintenance Department to assist in the renovation and expansion of the Jefferson County Convention and Visitor’s Bureau.

- **Motion by Ms. Noland to authorize the Jefferson County Maintenance Department to assist the Jefferson County CVB with their expansion and renovation project. Motion seconded and unanimously approved.**
8. The Commission recessed for lunch at 12:04 pm.
The Commission reconvened at 1:30 pm.
9. Approval of the Renewal of the 2015 County Video Program – this is a free service provided by CGI Communications associated with NaCo, which will provide the County with professionally produced online videos to highlight everything the County offers to residents, visitors, and businesses. A mobile video app will be added to this renewal.
- **Motion by Mr. Manuel to approve the Agreement between CGI Communications and the County Commission and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded and unanimously approved.**
10. Coalition for Safe and Affordable Food – requested the Commission endorse a statement of support for National Food Labeling Standards.
- **Motion by Mr. Manuel to postpone this item without prejudice until further information has been provided. Motion seconded and unanimously approved.**
11. Personnel Issue: Chairman of the Board of Health.
- **Motion by Mr. Bell to enter into Executive Session to discuss a Personnel matter. Motion seconded.**
 - **Motion by Mr. Manuel to postpone Mr. Bell’s motion and hold this item until 1:45 pm. Motion seconded and unanimously approved.**
 - **Motion by Mr. Bell to remove item #11 from the agenda and rescind the original motion to enter into Executive Session as he believes the State Auditor’s training for County and Municipal Boards, Commissions, and Authorities on October 29th shall help to correct errors made by the Board of Health regarding minutes and opening meetings. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

- Introduction and approval of employment for Michelle Pombo, Director of Financial Management

- **Motion by Ms. Tabb to approve the employment of Michelle Pombo, Director of Financial Management with a salary at Grade VIII, Step C. Motion seconded and unanimously approved.**
- Approval of the FY15 Financial Statements
- **Motion by Ms. Tabb to approve the FY15 Financial Statement and to release for publication. Motion seconded and unanimously approved.**
- Set topics for the Annual Legislative Summit to be held November 5, 2015 – The Commission discussed multiple topics they wish to address with the local legislature during the November 5, 2015 Jefferson County Legislative Summit, including prevailing wage, poor internet and cellular phone service within the county, the possibility of a State Inspector General’s Office, thoroughbred racing, the Homestead exemption, the “Brunch Bill,” legislation to protect rate payers from unfair rate increases for utility services, and possible legislation to require elected officials to adhere to County enacted personnel policies for the purposes of consistency and fairness across all County departments and elected offices.
- Continuation of All Good discussion – it was the consensus of the Commission to invite State Police Captain Widmeyer to provide his report on the All Good Music Festival once the Commission begins discussing the Mass Gathering Ordinance.
- Update in Case No. 13-C-432 and request for Director of Maintenance to determine whether 4’x6’ flags can be displayed outside of the County Commission meeting room.
- **Motion by Mr. Pellish to enter into Executive Session to discuss pending litigation in the case of 13-C-432. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to direct legal counsel to proceed with case 13-C-432 as discussed during Executive Session. Motion seconded and unanimously approved.**
12. Public Hearing – Receive public input on the proposed text amendment to the Zoning and Land Development Ordinance related to Cultural Facilities, File #ZTA 15-01. The amendment includes changing “Appendix C, Principal Permitted Uses Table,” to change Cultural Facilities from Not Permitted (NP) to Permitted (P) within the Residential Growth District. – Ms. Tabb called the public hearing to order at 1:32 pm and stated the purpose for the hearing was to receive comment regarding a zoning text amendment to allow cultural facilities in residential growth districts. Jennie Brockman, Director of Planning and Zoning, provided the Commission and audience with background

information regarding the amendment. Ms. Tabb opened the floor for public comment; however, no members of the public provided any comment regarding the amendment.

- **Motion by Ms. Tabb to approve the proposed text amendment to the Zoning and Land Development Ordinance related to Cultural Facilities, File #ZTA-15-01 to change “Appendix C, Principal Permitted Uses Table,” to change Cultural Facilities from Not Permitted (NP) to Permitted (P) within the Residential Growth District. Motion seconded and unanimously approved.**

COUNTY COMMISSION REPORTS

Patsy Noland

- Attended a Council on Aging meeting.
- Attended court in Moorefield, WV in the case of 13-C-432 on the matter of the display of flags outside of the County Commission meeting room.

Dale Manuel

- Attended the Independent Fire Company Gun Bash.

Eric Bell

- Attended Juvenile Drug Court.
- Participated in a call with Joe Manchin’s office regarding the Shepherdstown Battlefield Project.
- Attended court in Moorefield, WV in the case of 13-C-432 on the matter of the display of flags outside of the County Commission meeting room.

Walt Pellish

- Attended court in Moorefield, WV in the case of 13-C-432 on the matter of the display of flags outside of the County Commission meeting room.
- Attended a Development Authority meeting.

13. The Commission meeting adjourned at 1:45 pm on a motion by Ms. Noland. Motion was seconded and unanimously approved.

JANE M. TABB, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant