

## **Minutes**

### **Jefferson County Commission**

**Thursday, December 2, 2021**

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A meeting of the Jefferson County Commission was held on Thursday, December 2, 2021 during the fourth quarterly session at 9:30 a.m. The meeting was held via GoToWebinar and in-person. Present were, Steve Stolipher, President, Tricia Jackson, Vice President, Clare Ath, Caleb Hudson, and Jane Tabb. Also present were Sandy McDonald, Interim County Administrator and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, December 2, 2021 meeting is available on the Jefferson County Commission website.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Stolipher led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

**Motion by Mr. Stolipher to approve the November 10, 2021 Special Session Minutes as presented/amended. Motion seconded and unanimously approved.**

**Motion by Mr. Stolipher to approve the November 18, 2021 Regular Meeting Minutes as presented/amended. Motion seconded and unanimously approved.**

**Motion by Mr. Stolipher to approve the November 19, 2021 Special Session Minutes as presented/amended. Motion seconded and unanimously approved.**

#### **APPROVAL OF REQUISITIONS**

**Motion by Mr. Stolipher to approve the Requisitions for December 2, 2021 in the amount of \$49,256.20. Motion seconded and unanimously approved.**

#### **APPROVAL OF ACCOUNTS PAYABLE**

CHECK#		VENDOR NAME		AMOUNT
85519		BUREAU OF CHILD SUPPORT		492.93
85520		COMPTROLLER OF MARYLAND		1,542.60
85521		DOING BETTER BUSINES		790.89
85522		DR. ROBERT E JONES III		1,000.00
85523		EFTPS IRS TAXES		113,596.87
85524		EMPOWER RETIREMENT		6,123.79
85525		EVELYN STEPHENSON		103.53
85526		FEDEX		39.00
85527		GUTTMAN OIL CO		3,910.14
85528		JEFFERSON SECURITY BANK		4,390.00
85529		MID ATLANTIC ENTRY MD LLC		658.50
85530		MILLENIUM INSURANCE GROUP		900.00
85531		NATIONWIDE RETIREMENT SOLUTIONS		834.00
85532		SPIRIT OF JEFFERSON		33.26
85533		STATE TAX DEPARTMENT		822.22
85534		WV DEPUTY SHERIFF RETIREMENT SYSTEM		16,251.58
85535		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		43,947.29
85536		WV STATE TAX DEPARTMENT		37,425.62
85537		WV STATE TAX DEPARTMENT		26,396.35
85538		WVPAA-WV PROSECUTING ATTORNEYS ASSOCIATION		200.00
85539	FG/009	SHERIFF OF JEFFERSON CO		4,281.17
85540	BS/011	SHERIFF OF JEFFERSON CO		7,129.43
85541	AM/053	AXION		2,560.78
<b>TOTAL</b>				<b>273,429.95</b>

- **Motion by Mr. Stoliper to approve the Accounts Payable for November 24, 2021 in the amount of \$273,429.95**

CHECK#		VENDOR NAME		AMOUNT
85542		AHA-ARTS & HUMANITIES ALLIANCE		769.35
85543		AT&T		204.88
85544		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		1,139.21
85545		JEFFERSON CO CONVENTION AND VISITORS BUREAU		19,233.65
85546		JEFF CO PARKS & RECREATION COMMISSION		17,325.09
85547		LANGUAGE LINE SERVICES		180.00
85548		NENA NATIONAL EMERGENCY NUMBER ASSOC		142.00
85549		OLD CHARLES TOWN LIBRARY		1,500.00
85550		WV ENHANCED 911 COUNCIL		341.22
85551		WV STATE TAX DEPARTMENT		7,579.10
85552		XEROX CORPORATION		367.62
<b>TOTAL</b>				<b>48,782.12</b>

**Motion by Mr. Stolipher to approve the Accounts Payable for December 2, 2021 in the amount of \$48,782.12. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
769	HD/8	ENVIVO HEALTH LLC		\$ 720.00
770	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,643.18
307	DK/O3	SHERIFF OF JEFFERSON CO		\$ 260.83
<b>TOTAL</b>				<b>2,624.01</b>

Motion by Mr. Stolipher to approve the Manual Checks for November 26, 2021 in the amount of \$2,624.01. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
934	AV/56	PRINT-O-STAT		\$ 180.00
920	CW/O59	WV STATE POLICE		\$ 200.00
921	CW/O59	ST OFWVA		\$ 120.00
384	WV369	WVDSRF		\$ 529.00
<b>TOTAL</b>				<b>1,029.00</b>

Motion by Mr. Stolipher to approve the Manual Checks for December 3, 2021 in the amount of \$1,029.00. Motion seconded and unanimously approved.

**PAYROLL APPROVAL**

Motion by Mr. Stolipher to approve the Payroll for November 24, 2021 in the amount of \$305,024.15. Motion seconded and unanimously approved.

**PRESENTATIONS**

1. Tom Hansen, Sheriff
  - a. Grant Award



- **Motion by Mr. Stolipher to schedule a public hearing to receive input concerning the rezoning request for a one acre property located at 16 Old Leetown Pike, Kearneysville, WV 25430; Tax District - Middleway (07); Map No. 11; Parcel Nos. 2.2 and 2.1 to change current zoning district from Village to General Commercial, to be held on January 20, 2022 at 6:30 pm. Motion seconded and unanimously approved.**
6. Jennifer Myers, Director, Jefferson County Parks and Recreation- requested approval of a Resolution authorizing the acceptance of grant funds under the Land and Water Conservation Fund to the State of West Virginia for the construction of an inclusive play environment and playground repairs at Sam Michaels Park.
- **Motion by Mr. Stolipher to approve the Resolution authorizing acceptance of grant funds under the Land and Water Conservation Fund and authorize the President of the Commission to sign the associated documents. Motion seconded and unanimously approved.**
7. Roger Goodwin, Chief County Engineer
- a. Complete Construction Bond Release for McGee Civil Construction, LLC - Burr Business Park Lots 27 & 28 (File #19-7-S)
- **Motion by Mr. Stolipher to authorize a complete release of the remaining \$166,688.00 from the construction bond for McGee Civil Construction, LLC - Burr Business Park Lots 27 & 28 (File #19-7-S). Motion seconded and unanimously approved.**
- b. Request Approval to amend Law Enforcement Impact Fees— FY2022 Capital Improvement Plan
- **Motion by Mr. Stolipher to approve the Law Enforcement FY2022 Capital Improvement Plan - Law Enforcement Amendment No. 1, as presented. Motion seconded and unanimously approved.**
8. Becky Bums, Office Manager, Office of Engineering, Planning, and Zoning- Permit Fee and Impact Fee Refund Requests
- a. Thomas Lake— Permit #21-88
- **Motion by Mr. Stolipher to approve a partial refund of the building permit fee for Thomas Lake in the amount of \$494.39; a full refund of the impact fee in the amount of \$4,067.00 and to close the permit application file. Motion seconded and unanimously approved.**

b. Christopher & Michelle Brannan - Permit #21-605

- **Motion by Ms. Tabb to approve a partial refund of the building permit fee for Christopher and Michelle Brannan in the amount of \$806.13; a full refund of the impact fee in the amount of \$6,700; and to close the permit application file. Motion seconded and unanimously approved.**

9. PUBLIC COMMENT-public comment was provided by the following: Karen Buck.
10. Public Hearing - Zoning Map Amendment (rezoning) for the property designated as Tax District Kabletown (06); Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, and 12.11—request for zoning change on 53 +/- acres in Sunnyside Industrial Park on Wheatland Road from Industrial-Commercial to Residential-Light Industrial-Commercial.

President Stolipher opened the public hearing at 11:00 am. Jennifer Brockman, County Planner, stated the Planning Commission had reviewed the request and found it consistent with the Comprehensive Plan. John Morris, owner of the property, also made some comments regarding his request. Mr. Stolipher then opened the floor for public comment, which was made by the following: Christine Marshall and Patsy Noland. There being no, further comment, the public comment period closed at 11:08 am.

- **Motion by Ms. Tabb to approve the rezoning request change on 53 +/- acres in Sunnyside Industrial Park on Wheatland Road from Industrial-Commercial to Residential-Light-Industrial-Commercial, designated as Tax District Kabletown (06); Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, and 12.11. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to reconsider the motion to approve the rezoning request. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to amend the motion to approve the rezoning request to include that the rezoning is reasonably consistent with the Comprehensive Plan. Motion seconded and unanimously approved.**

11. Public Hearing-Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA21-O1

Mr. Stolipher opened the public hearing at 11:15 am. Alexandra Beaulieu, Zoning Administrator, explained the zoning amendment and stated the Planning Commission had found it to be consistent with the Comprehensive Plan. Mr. Stolipher opened the floor for public comment; however, no oral comment was received on this matter.

- **Motion by Mr. Stolipher to approve the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA-21-01 to allow Short Term Rentals to process as a Principal Permitted Use in any zoning district that allows a single family dwelling including the following zoning districts: Planned Neighborhood Development (PND), Rural (R), Residential Growth (RG), Residential-Light Industrial-Commercial (RLIC), and Village (V) and find the application of the amendment to be consistent with the Comprehensive Plan. Motion seconded and passes on a vote of 4-1 with Ms. Tabb opposing.**

12. Michelle Gordon, Finance Director

- a. Vendor Debarment - continued from 11/4/2021
  - **Motion by Mr. Stolipher to debar Toni Milbourne as a county vendor for a period of five years. Motion seconded and passes on a vote of 4-1with Ms. Jackson opposing.**
- b. Advertise for Executive Administrative Assistant Grade 05
  - **Motion by Ms. Tabb to approve the advertisement of the Executive Administrative Assistant position with a salary range of \$43,490 – 48,334. Motion seconded and unanimously approved.**
- c. Advertise for Administrative Assistant Grade 02
  - **Motion by Mr. Stolipher to approve the advertisement of the Administrative Assistant position with a salary range of \$31,559-34,715 and to involve the chief deputy tax officer in the interview process. Motion seconded and unanimously approved.**

13. Nathan Cochran, Assistant Prosecuting Attorney

- a. Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
- b. Discussion of legal issues regarding proposed solar text amendment including bonding, comprehensive plan, and related matters, including Jefferson County Civil Action No.'s 2021-C-33 through 37 and Jefferson County Civil Action No.'s 2021-C-46 through 50

- c. Report by counsel regarding County Commission's assignment of drafting new solar text amendment and presentation of draft amendment. Discussion and potential action by County Commission, including potential referral to Planning Commission, and/or other action required by law.
- d. Consider matters involving or affecting the construction, planning or purchase, sale or lease of property.
- e. Report by counsel on opioid case (Jefferson County Commission v. Purdue Pharmaceutical, et. Al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170)
  - **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice regarding proposed solar text amendment including bonding, Comprehensive Plan, and related matters, including Jefferson County Civil Action No's. 2021-C-33 through 37 and Jefferson County Civil Action No's. 2021-C-46 through 50. Motion seconded and unanimously approved.**
  - **Motion by Mr. Stolipher to come out of Executive Session. Motion seconded and unanimously approved.**

**OLD BUSINESS**

- 14. Update-Comprehensive Audit-WV State Auditor's Office-Mr. Stolipher stated he was still waiting on an update regarding the scope of work for the Comprehensive Audit and would have more detail during the next regularly scheduled meeting.
- 15. Review and Approval of Policy 319 — Financial System Access & Approval Policy
  - **Motion by Mr. Stolipher to approve Policy 319 as presented. Motion seconded and passes on a vote of 4-1 with Ms. Jackson opposing.**

**NEW BUSINESS**

- 16. County Administrator Hiring Process (JT)
  - **Motion by Mr. Stolipher to provide the entire Commission with access to all of the County Administrator applications and provide the names of three interviewees to Ms. McDonald by December 29, 2021 and to hold a Special Session on January 5, 2021 to begin the interview process. Motion seconded and unanimously approved.**

17. Acknowledgement of the "Assessor's Additional Duties" as delineated in WV Code 7-7-6a

- **Motion by Mr. Stolipher to accept the letter of acknowledgement of the "Assessor's Additional Duties" as delineated in WV Code 7-7-6a. Motion seconded and unanimously approved.**

**COUNTY ADMINISTRATOR REPORTS**

- County Administrator Applicants - Update

18. The Commission adjourned at 12:47p.m. on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted  
Jessica Carroll  
Executive Administrative Assistant