

## **Minutes**

### **Jefferson County Commission**

**Thursday, February 17, 2022**

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A meeting of the Jefferson County Commission was held on Thursday, February 17, 2021 during the first quarterly session at 6:00 p.m. The meeting was held via GoToWebinar and in-person. Present were Caleb Hudson, President, Steve Stolipher, Vice President, and Commissioners Clare Ath, Tricia Jackson, and Jane Tabb. Also present were John Nissel, County Administrator, Sandy McDonald, Deputy County Administrator and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, February 17, 2022 meeting is available on the Jefferson County Commission website.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Hudson led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

**Motion by Mr. Hudson to approve the Special Session Minutes from January 5 and January 14, 2022 as presented. Motion seconded and unanimously approved.**

**Motion by Mr. Hudson to approve the February 3, 2022 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.**

**Motion by Mr. Hudson to approve the Board of Review & Equalization Minutes for February 1, 3, 8, and 10, 2022 as presented. Motion seconded and unanimously approved.**

**Motion by Mr. Hudson to approve the Budget Presentation Minutes for February 7, 9, and 10, 2022 as presented. Motion seconded and unanimously approved.**

**APPROVAL OF REQUISITIONS**

**Motion by Mr. Hudson to approve the Requisitions for February 17, 2022 in the amount of \$32,500.00. Motion seconded and unanimously approved.**

**APPROVAL OF ACCOUNTS PAYABLE**

CHECK#		VENDOR NAME		AMOUNT
85821		AMERIFLEX		\$ 120.80
85822		BIEDLERS ELEC MOTOR REP		\$ 807.06
85823		CAPITAL ELECTRIC		\$ 765.32
85824		CASTO & HARRIS INC		\$ 720.00
85825		CITY OF CHARLES TOWN		\$ 40.00
85826		FEDEX		\$ 29.45
85827		GUTTMAN OIL CO		\$ 3,763.22
85828		JSCM GROUP		\$ 750.00
85829		MARY K THOMPSON		\$ 237.62
85830		PATRIOT FIRE AND SECURITY LLC		\$ 330.00
85831		POTOMAC EDISON		\$ 2,802.07
85832		R.E. MICHEL CO. LLC		\$ 72.70
85833		RETIREE HEALTH BENEFIT TRUST		\$ 6,721.00
85834		RICE TIRES CO		\$ 1,928.12
85835		SPECIALTY BUSINESS SUPPLIES		\$ 66.75
85836		TEK ADVISORS LLC		\$ 5,113.73
85837		WHOLESALE TIRES INC.		\$ 25.16
85838		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		\$ 65,620.00
85839	AM/O53	AXION		\$ 1,524.91
<b>TOTAL</b>				<b>\$ 91,437.91</b>

**Motion by Mr. Hudson to approve the Accounts Payable for February 10, 2022 in the amount of \$91,437.91. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
85841		AT&T		\$ 228.20
85842		BOLAND TRANE SERVICES INC		\$ 1,931.00
85843		BUREAU OF CHILD SUPPORT		\$ 760.05

85844		CITY OF CHARLES TOWN	\$ 96.00
85845		COMPTROLLER OF MARYLAND	\$ 493.76
85846		DARYLL WIMER	\$ 38.15
85847		DAVID WAMPLER	\$ 9.95
85848		DODSON SEPTIC SERVICE LLC	\$ 285.00
85849		EFTPS IRS TAXES	\$ 88,637.68
85850		EMPOWER RETIREMENT	\$ 6,052.80
85851		FEDEX	\$ 87.45
85852		FIDELITY POWER SYSTEMS	\$ 1,425.00
85853		FIFTH THIRD BANK	\$ 83,697.75
85854		FIFTH THIRD BANK	\$ 669.83
85855		GLOBAL SCIENCE & TECHNOLOGY INC.	\$ 200.00
85856		GLOBALSTAR USA	\$ 2,120.20
85857		GUTTMAN OIL CO	\$ 4,124.49
85858		J.C. EHRlich	\$ 761.00
85859		JEFF CO PARKS & RECREATION COMMISSION	\$ 2,500.00
85860		JEFFERSON SECURITY BANK	\$ 4,355.00
85861		KAREN OLDEN	\$ 480.07
85862		MARGARET GAINAY	\$ 2,079.26
85863		MARKL SUPPLY COMPANY	\$ 6,374.47
85864		MILLENium INSURANCE GROUP	\$ 900.00
85865		MORGAN RAIL SERVICE LLC	\$ 26,400.00
85866		NATIONWIDE RETIREMENT SOLUTIONS	\$ 834.00
85867		POTOMAC EDISON	\$ 27,155.17
85868		RONALD DANTZIC	\$ 40.03
85869		SOFTWARE SYSTEMS INC	\$ 1,185.50
85870		STATE TAX DEPARTMENT	\$ 150.00
85871		THOMAS HANSEN	\$ 146.00
85872		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 15,655.76
85873		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 43,627.89
85874		WV STATE TAX DEPARTMENT	\$ 32,358.65
85875		XEROX CORPORATION	\$ 3,315.93
85876	GS/004	GENERAL COUNTY FUND-004	\$ 8,504.01
85877	FG/009	SHERIFF OF JEFFERSON CO	\$ 5,981.54
85878	SG/010	JEFFERSON DAY REPORT CENTER	\$ 41,416.00
85879	BS/011	SHERIFF OF JEFFERSON CO	\$ 6,652.14
85880	AM/053	AXION	\$ 1,552.10
TOTAL			\$ 423,281.83

**Motion by Mr. Hudson to approve the Accounts Payable for February 17, 2022 in the amount of \$423,281.83. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

<b>MANUAL CHECKS</b>				
Check#	Fund	VENDOR		Amount
543	CS/2	JEFF CO DEV AUTHORITY		\$ 20,000.00
949	AV/56	FIFTH THIRD BANK		\$ 308.35
950	AV/56	SEGRA		\$ 620.62
1321	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 21.00
1322	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 6,906.74
1323	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 19,876.88
1324	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 2,101.14
1325	IP/249	SHERIFF JEFFERSON CO - ADMIN		\$ 924.48
924	CW/O59	ST OF WVA		\$ 1,055.00
<b>TOTAL</b>				<b>\$ 51,814.21</b>

**Motion by Mr. Hudson to approve the Manual Checks for February 11, 2022 in the amount of \$51,814.21. Motion seconded and unanimously approved.**

<b>MANUAL CHECKS</b>				
Check#	Fund	VENDOR		Amount
310	DK/O3	SHERIFF OF JEFFERSON CO		\$ 23.30
781	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,643.19
780	HD/8	ATTENTI		\$ 3,315.20
951	AV/56	GLOBAL SCIENCE & TECH		\$ 219.59
952	AV/56	JUSTTECH LLC		\$ 160.48
953	AV/56	WHITESIDE OF ST CLAIRSVILLE INC		\$ 23,712.00
346	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 91,510.24
1760	CO/246	WHITESIDE OF ST CLAIRSVILLE INC		\$ 23,712.00
<b>TOTAL</b>				<b>\$ 144,296.00</b>

**Motion by Mr. Hudson to approve the Manual Checks for February 18, 2022 in the amount of \$144,266.00. Motion seconded and unanimously approved.**

**PAYROLL APPROVAL**

**Motion by Mr. Hudson to approve the Payroll for February 17, 2022 in the amount of \$254,786.46. Motion seconded and unanimously approved.**

**PUBLIC COMMENT**

Public comment was provided by the following: David Tabb

**PRESENTATIONS**

1. Angela Banks, Assessor – requested the approval of the following Exoneration:

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Chris and Vanesa Levine	PP	SD	\$79.66	316722

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 316722 as presented by Ms. Banks. Motion seconded and unanimously approved.**

2. Tom Hansen, Sheriff

- a. Play Security – it was the consensus of the Commission to request Mr. Lutz provide more information concerning the dates and times of the play rehearsals and performances for the Centennial Observation of the Trial of Bill Blizzard to provide a better idea of the budgetary impact of the bailiffs required for building security during non-working hours.

- b. Verification Letter

- **Motion by Ms. Tabb to approve the verification of the Sheriff’s Office affiliation and tax exempt status to apply for a community grant from Walmart and authorize the President to sign the letter. Motion seconded and unanimously approved.**

3. Ralph Blasey, Attorney, Peel Properties WVA LLC – requested a time extension on the Tolling of Bonding Agreement expiration for Thorn Hill Subdivision (JCPC File No. 02-17)

- **Motion by Mr. Stolipher to approve the request to extend the tolling of bonding agreement noting the existing condition that the stormwater management system be redesigned to meet the requirements of the current Jefferson County Stormwater Management Ordinance as required and reviews by the County Engineer and that the redesign and resulting plat changes be reviewed and processed administratively by staff; and to extend the expiration date by four (4) years (through February 19, 2026) for the Thorn Hill Subdivision (JCPC File No. 02-17) and that the new/amended agreement be executed and recorded in the office of the County Clerk. Motion seconded and unanimously approved.**

4. Russell Burgess, Director, Jefferson County Information Technology

- a. Jefferson County GigReady Program Participation – it was the consensus of the Commission to continue this discussion during budget deliberations and request Mr. Burgess to contact David Deamer of Region 9 to provide a more specific idea of the dollar amount necessary for the County’s participation in the GigReady program.
- b. Request approval for new Information Technology Intern
- **Motion by Mr. Stolipher to approve one internship in the Information Technology Department to meet graduation requirements for Blue Ridge Community and Technical College with an approved stipend of \$12.00/hr. for 150 hours, with Mr. Burgess to provide the intern’s name and effective date at the next regularly scheduled County Commission meeting. Motion seconded and unanimously approved.**

5. Steve Allen, Director, Jefferson County Homeland Security and Emergency Management

- a. Approval of the Emergency Management Performance Grant (EMPG) application for calendar year 2019.
- **Motion by Ms. Tabb to approve the 2019 Emergency Management Performance Grant Award document for reimbursement in the amount of \$75,000.00. Motion seconded and unanimously approved.**
- b. Approval to advertise the position of Administrative Assistance/Public Information Officer/Volunteer Coordinator.
- **Motion by Mr. Stolipher to approve the advertisement of the Administrative Assistant/Public Information Officer/Volunteer Coordinator at \$37,750.00. Motion seconded and unanimously approved.**

6. Richard Thiel, Finance Director – requested the approval of FY22 State Budget Revision 3 for the General County Fund and FY22 State Budget Revision 3 for the Coal Severance Fund.
  - **Motion by Ms. Tabb to approve the FY22 State Budget Revision 3 for the General County Fund as presented. Motion seconded and unanimously approved.**
  - **Motion by Ms. Tabb to approve the FY22 State Budget Revision 3 for the Coal Severance Fund as presented. Motion seconded and unanimously approved.**
7. Stephen Brightwell, WV Department of Arts, Culture, and History – requested access to the Jefferson County Courthouse on Saturday, February 26, 2022 to photograph the interior of the building for the WV Department of Arts, Culture, and History annual calendar.
  - **Motion by Mr. Stolipher to approve the request to allow Mr. Brightwell to access and photography the interior of the Jefferson County Courthouse on Saturday, February 26, 2022 pending cooperation with Judge David Hammer and Sheriff Tom Hansen. Motion seconded and unanimously approved.**
8. Nathan Cochran, Assistant Prosecuting Attorney
  - a. 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, and WV Supreme Court No’s 21-0727, 21-0728, and 21-0731.
  - b. Consider matters involving or affecting the construction, planning or purchase, sale or lease of property.
  - c. Report by Counsel on opioid case (Jefferson County Commission v. Purdue Pharmaceutical, et al. Use District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170)
  - d. Consider renewal of two intergovernmental agreements between the County Commission, the Sheriff’s Department, and the Corporation of Bolivar for collection of taxes and public safety services.
  - e. Discussion of Article 147

- **Motion by Mr. Stolipher to approve the intergovernmental agreements between the County Commission, the Sheriff's Department, and the Corporation of Bolivar for the collection of taxes and public safety services, as presented. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice concerning 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, and WV Supreme Court No's 21-0727, 21-0728, and 21-0731 and a discussion of Article 147. Motion seconded and unanimously approved.**

*Please note Commissioner Stolipher recused himself from the Executive Session regarding the proposed solar text amendment to the Jefferson County Comprehensive Plan.*

- **Motion by Mr. Hudson to come out of Executive Session and reconvene in Regular Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Jackson to have the President of the Commission draft a letter to the City of Charles Town regarding Article 147. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to request counsel proceed as directed in Executive Session regarding the proposed solar amendment. Motion seconded and unanimously approved.**

## **NEW BUSINESS**

9. Decision – proposed text amendment to the Jefferson County Envision Jefferson 2035 Comprehensive Plan (approved 1/14/2015) to clarify and/or state that solar facilities are a principal permitted use in the rural and residential zoning districts, in accordance with WV Code §8A-3-11, 8A-3-6 and related statutes.
  - It was the consensus of the Commission to postpone discussion of this item until the March 3, 2022 regularly scheduled meeting.
10. Legislative Updates – none provided.

## **COUNTY ADMINISTRATOR REPORTS**

- Newly hired County Administrator, John Nissel, briefly introduced himself and recognized Sandy McDonald, Deputy County Administrator, for a job

well done as Interim County Administrator in the midst of several key staff resignations in late 2021.

11. The Commission adjourned at 8:12 p.m. on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

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Caleb Hudson, PRESIDENT

Respectfully submitted  
Jessica Carroll  
Executive Administrative Assistant