

Minutes

Jefferson County Commission

Thursday, March 17, 2022

A meeting of the Jefferson County Commission was held on Thursday, March 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, March 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 February 24, 2022 Budget Deliberation Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the February 3, 2022 Regular Meeting Minutes as presented/with noted corrections. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the March 7, 2022 Special Session Minutes as presented/with noted correction. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Hudson to approve the Payroll for March 3, 2022 in the amount of \$259,500.71. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the Payroll for March 17, 2022 in the amount of \$261,027.74.
 Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Hudson to approve the Requisitions for March 17, 2022 in the amount of \$88,240.52. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
85940	AMERIFLEX	\$ 120.80
85941	BIEDLERS ELEC MOTOR REP	\$ 538.04
85942	BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY	\$ 27,102.16
85943	BOLAND TRANE SERVICES INC	\$ 1,931.00
85944	CAPITAL ELECTRIC	\$ 1,407.05
85945	CASTO & HARRIS INC	\$ 959.82
85946	COLONIAL LIFE	\$ 95.68
85947	DODSON SEPTIC SERVICE LLC	\$ 285.00
85948	FIFTH THIRD BANK	\$ 68,411.04
85949	FRIENDSHIP FIRE COMPANY	\$ 70,000.00
85950	GAIL MCMILLION	\$ 805.07
85951	HEATHER KETCHENS	\$ 751.71
85952	INDEPENDENT FIRE COMPANY	\$ 70,000.00
85953	JACQUELINE SHADLE	\$ 64.29
85954	KAREN OLDEN	\$ 774.54
85955	MARCIA LYNN CHANDLER	\$ 204.05
85956	MARION A. HAZEL	\$ 1,451.61
85957	MICHELLE GORDON	\$ 6,660.00
85958	MIDDLEWAY FIRE COMPANY	\$ 35,630.86
85959	NATIONAL VISION ADMIN.	\$ 1,762.12
85960	POTOMAC EDISON	\$ 35,170.20
85961	R.E. MICHEL CO. LLC	\$ 167.85
85962	REBECCA HALL	\$ 3,250.00
85963	RETIREE HEALTH BENEFIT TRUST	\$ 6,721.00
85964	RYAN SNYDER	\$ 60.78
85965	STORAGE NETWORKS	\$ 8,652.00
85966	TEK ADVISORS LLC	\$ 4,200.00
85967	THE HARTFORD	\$ 3,775.10

85968		TRAVIS STELY		\$ 3,157.05
85969		V.E. MAUCK PLUMBING SPPLY		\$ 7.58
85970		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		\$ 63,062.75
85971		XEROX CORPORATION		\$ 1,186.00
85972		AXION STAFFING GROUP		\$ 1,289.28
TOTAL				\$ 419,654.43

Motion by Mr. Hudson to approve the Accounts Payable for March 10, 2022 in the amount of \$419,654.434. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
85974		AMANDA JOHNSON		\$ 217.62
85975		AT&T		\$ 173.10
85976		BUREAU OF CHILD SUPPORT		\$ 492.93
85977		COMPTROLLER OF MARYLAND		\$ 485.36
85978		EFTPS IRS TAXES		\$ 91,560.61
85979		EMPOWER RETIREMENT		\$ 6,757.36
85980		GUTTMAN OIL CO		\$ 8,949.26
85981		INFORMER SYSTEMS LLC		\$ 5,304.00
85982		J & S BUSINESS FORMS LLC		\$ 364.25
85983		JEFFERSON SECURITY BANK		\$ 4,355.00
85984		JOSEPH MURPHY		\$ 114.15
85985		JUSTTECH LLC		\$ 32.85
85986		MALLORY SPINKS		\$ 797.81
85987		NORFOLK SOUTHERN CORP		\$ 12.00
85988		NATIONWIDE RETIREMENT SOLUTIONS		\$ 834.00
85989		PRIORITY DISPATCH		\$ 8,625.00
85990		STATE TAX DEPARTMENT		\$ 150.00
85991		TRACY HERRON-RICE RPR		\$ 100.10
85992		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 16,085.30
85993		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 44,675.40
85994		XEROX CORPORATION		\$ 813.05
85995	GS/004	GENERAL CO FUND-004		\$ 9,384.57
85996	FG/009	SHERIFF OF JEFFERSONCO		\$ 4,732.42
85997	BS/011	SHERIFF OF JEFFERSONCO		\$ 6,652.15
85998	AM/053	AXION STAFFING GROUP		\$ 1,395.84
TOTAL				\$ 213,064.13

Motion by Mr. Hudson to approve the Accounts Payable for March 17, 2022 in the amount of \$213,064.13. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

Check#	Fund	VENDOR	Amount
783	HD/8	ATTENTI	\$ 3,123.20
784	HD/8	FIFTH THIRD BANK	\$ 181.86
347	FP/57	JEFFERSON CO FARMLAND PROT.	\$ 76,121.25
955	AV/56	FIFTH THIRD BANK	\$ 308.35
956	AV/56	JUSTTECH	\$ 163.95
957	AV/56	KNIGHT CONSULTING	\$ 900.00
958	AV/56	MILLERS SUPPLIES AT WORK	\$ 563.12
959	AV/56	MONROE	\$ 866.00
960	AV/56	SEGRA	\$ 620.62
1762	CO/246	INSIGHT PUBLIC SECTOR INC.	\$ 10,039.17
1326	IP/249	SHERIFF JEFFERSON CO -SCHOOL	\$ 19.00
1327	IP/249	SHERIFF JEFFERSON CO - LAW	\$ 3,187.36
1328	IP/249	SHERIFF JEFFERSON CO - PARKS	\$ 17,981.94
1329	IP/249	SHERIFF JEFFERSON CO - EMS	\$ 1,900.84
1330	IP/249	SHERIFF JEFFERSON CO - ADMIN	\$ 836.31
926	CW/O59	ST OF WVA	\$ 1,215.00
387	WV369	WVDSRF	\$ 796.00
TOTAL			\$ 118,823.97

Motion by Mr. Hudson to approve the Manual Checks for March 11, 2022 in the amount of \$118,823.97. Motion seconded and unanimously approved.

MANUAL CHECKS			
Check#	Fund	VENDOR	Amount
785	HD/OO8	SHERIFF OF JEFFERSON CO	\$ 1,772.37
961	AV/O56	AWVA ASSOC OF WV ASSR	\$ 900.00
962	AV/O56	MILLER'S SUPPLIES	\$ 759.35
1763	CO/246	RCN TECH	\$ 4,239.92
311	DK/OO3	SHERIFF OF JEFFERSON CO	\$ 30.71
927	CW/O59	EXECUTIVE EMER. LIGHTING	\$ 3,366.00
TOTAL			\$ 11,068.35

Motion by Mr. Hudson to approve the Manual Checks for March 18, 2022 in the amount of \$11,068.35. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was provided by the following: Jay Mansfield, David Tabb, Stephanie Grove and Christine Marshall.

PRESENTATIONS

1. Jacki Shadle – request to incorporate all County Clerk employees’ Personnel Services expenses under Department 402.
 - **Motion by Ms. Jackson to permit the County Clerk’s request to move two employees from Elections (Dept. 413) to County Clerk (402) for all Personnel Services expenses. Motion died for lack of a second.**
2. Interviews and Appointments to the following:
 - a. Jefferson County Planning Commission – 3 three-year terms ending March 31, 2025
 - **Motion by Mr. Stolipher to reappoint J. Ware, Wade Louthan, and Jack Hefestay to the Jefferson County Planning Commission, each for a term of three years ending March 31, 2025. Motion seconded and unanimously approved.**
 - b. Jefferson County Historic Landmarks Commission – two three-year terms ending March 6, 2025
 - **Motion by Mr. Stolipher to appoint Raymond Benzinger and reappoint Jim King to the Jefferson County Historic Landmarks Commission, each for a term of three years ending March 6, 2025.**
3. Nancy Strine, CDBG and HOME Administrator - requested a public hearing to discuss the housing needs of Jefferson County for the FY2022 HOME Investment Partnership Program and have the Commission approve a resolution authorizing participation in the Eastern Panhandle HOME Consortium of West Virginia for the period July 1, 2022 to June 30, 2023.

President Hudson opened the public hearing at 11:02 am. The following people made public comment: David Tabb and Amanda Stroud.

- **Motion by Ms. Tabb to approve the participation and Resolution for the Eastern Panhandle HOME Consortium of West Virginia for the period July 1, 2022 to June 30, 2023. Motion seconded and unanimously approved.**

4. Public Hearing

- Zoning Map Amendment (rezoning) for property as designated as Tax District: Charles Town (02), Tax Map: 03; Parcel: 9. The property, to be known as Green Hill Subdivision, is a vacant parcel located northeast of the intersection of Flowing Springs Rd and Daniel Rd, near Charles Town. The Property owner/applicant is William Reilly, Managing Member. The parcel is approximately 102 acres. The property is currently zoned Rural ® and a petition has been made to the County Commission by te property owner to change the zoning classification of the property from Rural to Residential Growth (RG) (Planning Commission File #22-1-Z).

President Hudson opened the public hearing at 6:48 pm. Public comment was made by the following: David Tabb and Christine Marshall.

- **Motion by Mr. Stolipher to approve the Zoning Map Amendment for property designated as Tax District: Charles Town (02), Tax Map: 03; Parcel: 9 for William Reilly, Managing Member of Green Hill Subdivision, from Rural to Residential Growth (Planning Commission File #22-1-Z) and to find the amendment consistent with the Envision Jefferson 2035 Comprehensive Plan. Motion seconded and unanimously approved.**

5. Public Hearing

- Zoning Map Amendment (rezoning) for the property designated as Tax District: Charles Town (02); Tax Map: 16; Parcel: 1. The property is located on the northeast corner of the Augustine Ave. & US 340 intersection, south Charles Town. The property owner/applicant is Guy Chicchirichi. The proposed area to be rezoned is a 0.52-acre portion of a 4.42 acre site. The property is currently zoned Rural ® and a petition has been made to the County Commission by the property owner to change the zoning classification of the property from Rural to Highway Commercial (HC) (Planning Commission File #22-2-Z).

President Hudson opened the public hearing at 7:00 pm. Public comment was made by David Tabb. Please note that Commissioner Stolipher recused himself from this public hearing.

- **Motion by Ms. Tabb to approve the Zoning Map Amendment for property designated as Tax District: Charles Town (02), Tax Map: 16; Parcel: 1 for Guy Chicchirichi, owner, from Rural to Highway**

Commercial (Planning Commission File #22-2-Z) and to find the amendment consistent with the Envision Jefferson 2035 Comprehensive Plan. Motion seconded and unanimously approved with Commissioner Stolipher abstaining.

6. Richard Thiel, Finance Director

a. Review and Approval of FY2022 State Budget Revision 5 for the General County Fund

- **Motion by Ms. Tabb to approve the FY22 State Budget Revision 5 for the General County Fund as presented. Motion seconded and unanimously approved.**

b. Review and Approval of the FY2022-2023 Draft Budget Levy Estimate

- **Motion by Ms. Tabb to approve the FY22-23 Draft Budget Levy Estimate as presented. Motion seconded and unanimously approved.**

7. Jeffrey Polczynski, ENP-Director of Communications - appointment requests - Two Full-Time Public Safety Dispatchers

- **Motion by Mr. Stolipher to approve the appointment of the following public safety dispatchers: Dominick Vaillancourt and Nicholas Braithwaite, each at \$18.14/hr, effective March 21, 2022. Motion seconded and unanimously approved.**

8. Nathan Cochran, Assistant Prosecuting Attorney

1. Discussion of legal issues regarding proposed solar text amendment including bonding, comprehensive plan, and related matters, including report by Counsel regarding progress in amending comprehensive plan, and discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6 and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
2. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
3. 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).
4. 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).
5. Report on West Virginia Supreme Court Case No. 21-0229 (Jefferson County 19-P-69).

- **Motion by Mr. Stolipher to enter into Executive Session to discuss possible contractual matters concerning item 2; receive legal advice on items 3 and 4 under Mr. Cochran’s report and to also receive legal advice concerning the decision on the solar text amendment and Article 147. Motion seconded and unanimously approved.**
- **Motion by Mr. Hudson to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to direct counsel to proceed as discussed in Executive Session concerning items 10 and 12 on the agenda and make clear that Commissioner Solipher recused himself from the from the discussion on item 10. Motion seconded and unanimously approved on a vote of 4-0 with Commissioner Stolipher abstaining.**
- **Motion by Mr. Stolipher to permit President Hudson sign the WV First Memorandum of Understanding concerning the opioid settlement. Motion seconded and unanimously approved.**

OLD BUSINESS

9. Discussion of Fitch Report, including potential action regarding composition and structure of county EMS services, Jefferson County Emergency Services Agency, acquisition and distribution of ambulance resources, and implementation of Fitch recommendations – this item was not discussed.
10. Decision - Proposed text amendment to the Jefferson County *Envision Jefferson 2035 Comprehensive Plan* (approved 1/14/15) to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts, in accordance with WV Code§8A-3-11, 8A-3-6, and related statues – this item was discussed in Executive Session.

NEW BUSINESS

11. Legislative Updates – none provided.
12. Resolution - Article 147 (CH) – this item was discussed in Executive Session.
13. Update regarding the meeting with County Commission Liaison and Fire Chiefs regarding the Fitch Study (SS) – Mr. Stolipher stated he planned to meet with the chiefs on the evening of Thursday, March 24, and requested a special session be called at 9:30am on Friday, March 25, 2022 to provide the Commission with an update.

14. Financial Report: Ambulance Fee collection, Fire Department Funding & EMS funding for FY2023 and the 4 years prior (JT) – Finance Director Rick Theil provided the Commission with information concerning Commissioner Tabb’s request.

COUNTY ADMINISTRATOR REPORTS

- Salary Adjustment - Department of Fleet and Facilities Management Director
 - **Motion by Ms. Jackson to approve the salary adjustment for Laura Kuhn, Director of Fleet & Facilities Management, in the amount of \$5,676.00 per year, retroactive from Ms. Kuhn’s promotion to Director. Motion seconded and unanimously approved.**

- Discussion of Policy 216A - FMLA Leave Expansion and Emergency Paid Sick Leave
 - **Motion by Mr. Stolipher to have a sunset date of June 30, 2022 for the County’s FMLA Leave Expansion and Emergency Paid Sick Leave Policy 216 A, with the option to reexamine and renew the policy thereafter if necessary. Motion seconded and unanimously approved.**

- Discussion – End limited of number of in-person attendees due to COVID 19 restrictions at the County Commission meeting
 - **Motion by Mr. Stolipher to lift the COVID-19 meeting restrictions concerning the number of in-person meeting attendees. Motion seconded and unanimously approved.**

15. **ADJOURN**

The Commission adjourned at 9:12 p.m. on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

Caleb Hudson, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

