

## **Minutes**

### **Jefferson County Commission**

**Thursday, June 16, 2022**

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A meeting of the Jefferson County Commission was held on Thursday, June 16, 2022 during the second 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 Tricia Jackson, Clare Ath, and Jane Tabb. Also present were John Nissel, County Administrator, Sorayda Pitts, Administrative Assistant, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, June 16, 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 June 2, 2022 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the June 9, 2022 #ZTA22-01 Solar Facilities Text Amendment Public Hearing Minutes as presented/amended. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the June 9, 2022 Special Session Minutes as presented/amended. Motion seconded and unanimously approved.

#### **APPROVAL OF PAYROLL**

**Motion by Mr. Hudson to approve the Payroll for June 9, 2022 in the amount of \$261,975.14. Motion seconded and unanimously approved.**

## APPROVAL OF REQUISITIONS

**Motion by Mr. Hudson to approve the Requisitions for June 16, 2022 in the amount of \$127,720.00. Motion seconded and unanimously approved.**

## APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
86363	ALLAN THOMAS	3,250.00
86364	AMANDA MASTERS	42.71
86365	AMERIFLEX	120.80
86366	APRIL BLAKER	27.50
86367	AT&T	858.78
86368	BENJAMIN S WILLIAMS	1,743.74
86369	BOLAND TRANE SERVICES INC	1,931.00
86370	BRIAN LONG	97.11
86371	BUREAU OF CHILD SUPPORT	492.93
86372	CAPITAL ELECTRIC	428.73
86373	CASTO & HARRIS INC	793.29
86374	CIOX HEALTH	407.98
86375	CITY OF CHARLES TOWN	80.00
86376	COMPTROLLER OF MARYLAND	790.51
86377	DOING BETTER BUSINES	790.89
86378	EFTPS IRS TAXES	90,452.30
86379	EMILY MORROW	87.75
86380	EMPOWER RETIREMENT	5,830.49
86381	ESS ELECTION SYSTEMS & SOFTWARE	4,975.00
86382	GUTTMAN OIL CO	10,132.88
86383	JEFFERSON COUNTY SOLID WASTE AUTHORITY	14.63
86384	JEFFERSON SECURITY BANK	4,285.00
86385	JEFFERSON CO SCHOOLS	909.00
86386	JOSEPH MURPHY	337.04
86387	LANGUAGE LINE SERVICES	31.50
86388	MARION A. HAZEL	593.78
86389	MICHELLE GORDON	4,900.00
86390	MILLENIUUM INSURANCE GROUP	900.00
86391	ALAN MCCLINTOCK	12,765.60
86392	NATIONWIDE RETIREMENT SOLUTIONS	834.00
86393	PATRIOT FIRE AND SECURITY LLC	250.00

86394		POTOMAC EDISON		24,681.33
86395		R.E. MICHEL CO. LLC		634.25
86396		RETIREE HEALTH BENEFIT TRUST		7,732.00
86397		RICE TIRES CO		530.72
86398		SANDRA SLUSHER MCDONALD		1,680.00
86399		SEN COMMUNICATIONS LLC		25.00
86400		SHAUN PACETTI		117.53
86401		SHERIFF OF JEFFERSON COUNTY		3,191.40
86402		SOFTWARE SYSTEMS INC		93.00
86403		SPIRIT OF JEFFERSON		57.18
86404		WV STATE FIRE MARSHAL'S OFFICE		75.00
86405		STATE TAX DEPARTMENT		150.00
86406		TAMMY YOKLEY		2,020.48
86407		THE HARTFORD		3,502.00
86408		THE HARTFORD		2,317.75
86409		VINCENT TIONG		246.00
86410		WV DEPUTY SHERIFF RETIREMENT SYSTEM		16,209.95
86411		WV DIVISION OF LABOR		90.00
86412		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		45,509.25
86413		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		166.49
86414		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		76,428.00
86415		XEROX CORPORATION		1,166.13
86416		XEROX FINANCIAL SERVICES		249.81
86417	FG/009	SHERIFF OF JEFFERSON COUNTY		4,364.05
86418	SG/010	JEFFERSON DAY REPORT		2,208.90
86419	BS/011	SHERIFF OF JEFFERSON COUNTY		7,133.40
86420	AM/053	JEFFERSON CO ESA		228,840.00
86421	AM/053	MONROE		423.60
86422	AM/053	SHERIFF OF JEFFERSON COUNTY		1,619.02
TOTAL				580,617.18

**Motion by Mr. Hudson to approve the Accounts Payable for June 9, 2022 in the amount of \$580,617.18. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
86423		AMERITEL CORP		\$ 225.81
86424		ASHTYN REYNOLDS		\$ 62.46
86425		DAVID BOOBER		\$ 315.10
86426		DEANNA DAVIS		\$ 41.64

86427		EDITH COOPER		\$ 62.46
86428		FIDELITY POWER SYSTEMS		\$ 1,033.00
86429		FIFTH THIRD BANK		\$ 69,650.29
86430		FRANKLIN & PROKOPIK P.C.		\$ 1,417.50
86431		GLOBAL SCIENCE & TECHNOLOGY INC.		\$ 960.00
86432		GUTTMAN OIL CO		\$ 5,044.61
86433		HOSPICE OF THE PANHANDLE		\$ 250.00
86434		JACQUELINE SHADLE		\$ 292.50
86435		JAMIE WOLFE		\$ 62.46
86436		JEFFERSON COUNTY SOLID WASTE AUTHORITY		\$ 143.81
86437		JUSTTECH LLC		\$ 397.14
86438		LAURA STORM		\$ 17.90
86439		LAURA STORM		\$ 32.98
86440		LISA WALTERS		\$ 41.64
86441		MEGAN FARIAS		\$ 299.58
86442		MID ATLANTIC ENTRY MD LLC		\$ 475.00
86443		MIDDLEWAY FIRE COMPANY		\$ 34,369.14
86444		NAPA AUTO PARTS		\$ 379.88
86445		PANHANDLE PRINTING & DESIGN		\$ 464.28
86446		REBECCA CHALK		\$ 62.46
86447		RONALD DANTZIC		\$ 39.66
86448		SAMANTHA COMBS		\$ 83.28
86449		SANDRA APONICK		\$ 41.64
86450		SHERIFF OF JEFFERSON COUNTY		\$ 23.80
86451		SHERIFF OF JEFFERSON COUNTY		\$ 3,126,948.00
86452		SHERWIN-WILLIAMS		\$ 9.59
86453		SOFTWARE SYSTEMS INC		\$ 1,104.00
86454		TAMMY YOKLEY		\$ 104.10
86455		TRACY HERRON-RICE RPR		\$ 223.30
86456		VITAL SIGNS		\$ 444.00
86457		W B MASON CO. INC		\$ 317.34
86458		WV ASSOCIATION OF COUNTIES		\$ 550.00
86459	GS004	GENERAL CO - 004		\$ 11,104.65
86460	AM053	AXIOM		\$ 2,627.60
86461	AM053	FIFTH THIRD BANK		\$ 212.00
86462	AM053	W.B MASON		\$ 122.08
<b>TOTAL</b>				<b>\$ 3,260,056.68</b>

**Motion by Mr. Hudson to approve the Accounts Payable for June 16, 2022 in the amount of \$3,260,056.68. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

<b>MANUAL CHECKS</b>				
Check#	Fund	VENDOR		Amount
551	CS/2	HINKLE CONSELING		\$ 149.70
798	HD/8	SHERIFF OF JEFFERSON CO		\$ 2,560.14
799	HD/8	ATTENTI US INC		\$ 3,433.60
983	AV/56	JUST TECH		\$ 173.03
984	AV/56	SEGRA		\$ 622.27
1777	CO/246	INSIGHT PUBLIC SECTOR		\$ 6,650.84
1778	CO/246	STORAGE NETWORK		\$ 88,470.00
1342	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 66.00
1343	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 14,547.39
1344	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 62,830.56
1345	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 6,641.95
1346	IP/249	SHERIFF JEFFERSON CO - ADMIN		\$ 2,921.48
<b>TOTAL</b>				<b>\$ 189,066.96</b>

**Motion by Mr. Hudson to approve the Manual Checks for June 10, 2022 in the amount of \$189,066.96. Motion seconded and unanimously approved.**

<b>JUNE 17,2022</b>				
<b>MANUAL CHECKS</b>				
Check#	Fund	VENDOR		Amount
552	CS/OO2	BENDA HINKLE		\$ 783.90
553	CS/OO2	JEFFERSON CO COUNCIL ON AGING		\$ 13,687.72
554	CS/OO2	JEFFERSON CO HISTORIC LANDMARKS		\$ 5,059.69
314	DK/OO3	SHERIFF OF JEFFERSON CO		\$ 27,235.88
348	MC/OO5	SHERIFF OF JEFFERSON CO		\$ 27,427.58
800	HD/OO8	FIFTH THIRD BANK		\$ 90.92
985	AV/O56	FIFTH THIRD BANK		\$ 1,112.23
986	AV/O56	SHERIFF OF JEFFERSON CO		\$ 567,494.93
350	FP/O57	JEFFERSON CO FARMLAND PROT.		\$ 151,727.61
935	CW/O59	WASHINGTON FORD INC		\$ 1,958.05

936	CW/O59	THE HOME DEPOT	\$ 1,815.28
221	VRO63	SECRETARY OF STATE'S OFFICE	\$ 150.24
1779	CO/246	FIFTH THIRD BANK	\$ 610.28
<b>TOTAL</b>			<b>\$ 799,154.31</b>

**Motion by Mr. Hudson to approve the Manual Checks for June 17, 2022 in the amount of \$799,154.31. Motion seconded and unanimously approved.**

**PUBLIC COMMENT**

Public comment was provided by the following: David Tabb.

**PRESENTATIONS**

1. Angela Banks, Assessor – requested approval and Commissioners’ signatures for the Certificates of Oaths for the Real Estate and Personal Property Books
  - **Motion by Mrs. Tabb to approve the Certificates of Oaths for the Real Estate and Personal Property Books and affix the Commissioners’ signatures to the documents. Motion seconded and unanimously approved.**
2. Chief Deputy Lupis, Jefferson County Sheriff’s Office
  - a. Administrative Assistant Hire
    - **Motion by Mr. Stolipher to approve the hire hire Monica Anderson at the Sheriff’s Business Office at a Grade II, 80 hr position with a salary of \$32,000, effective June 21, 2022. Motion seconded and unanimously approved.**
  - b. Deputy Hires
    - **Motion by Mr. Stolipher to approve the hire Tristan Lutman and Hunter Ray as deputies for the Jefferson County Sheriff’s Department at a salary of \$49,626.00, effective 06/26/2022 . Motion seconded and unanimously approved.**
  - c. Grant Application
    - **Motion by Mr. Stolipher to approve the application for the JAG grant that supports placement of a PRO in Jefferson County High School and authorize**

**the president to sign the associated documents. Motion seconded and unanimously approved.**

3. Kelly Franklin, Director, Jefferson Day Report Center – requested approval of the FY2023 West Virginia Community Corrections Grant.
  - **Motion by Mrs. Tabb to approve the grant contract and resolution for the FY2023 West Virginia Community Corrections Grant Contract. Motion seconded and unanimously approved.**
  
4. Matthew Harvey, Prosecuting Attorney’s Office, Victim Assistance Program – requested approval to hire a part-time victim advocate, Melissa Segura.
  - **Motion by Mr. Stolipher to approve the hire of Melissa Segura as a part-time victim advocate in the Prosecuting Attorney’s Office at a salary of \$18.50 hr, effective June 21, 2022. Motion seconded and unanimously approved.**
  
5. Joe Kent, Jefferson County Department of Engineering, Planning, and Zoning – requested a partial construction bond release for Lutman Land Development, LLC – Milton’s Landing Subdivision, Lots 1-16, Lots 18-50 & SWM Lot 17 (File #22-21-SD)
  - **Motion by Mr. Stolipher to approve the partial construction bond release of \$715,484.00 from the construction bond for Lutman Land Development, LLC – Milton’s Landing Subdivision, Lots 1-16, Lots 18-50 & SWM Lot 17 (File #22-21-SD). Motion seconded and unanimously approved.**
  
6. Michelle Gordon, Finance Director
  - a. Review and Approval of FY2022 State Budget Revision 7 for the General Fund
    - **Motion by Mr. Stolipher to accept FY22 State Budget Revision 7 for the General Fund as presented. Motion seconded and unanimously approved.**
  
  - b. Set date for next ARPA meeting
    - It was the consensus of the Commission to meet on Thursday, June 30, 2022 at 9:30 am to discuss ARPA grant submissions.
  
  - c. Review and Approval of Revised FY23 Grade Scale with 2.5% COLA, effective 7/1/22

- **Motion by Mrs. Tabb to approve the revised FY23 grade scale with a 2.5% COLA over FY22, effective July 1, 2022.**
- d. Review and Approval of Ambulance, Equipment, and Supplies purchase
- **Motion by Mr. Stolipher to approve Requisition No. 22067 for the purchase of an ambulance, equipment, and supplies in the amount of \$220,000 funded by ARPA Grand funds. Motion seconded and unanimously approved.**

7. Nathan Cochran, Assistant Prosecuting Attorney

- a. Discussion of legal issues regarding proposed solar text amendment including amendment text, bonding, Comprehensive Plan and related matters and discussion of public hearing on proposed text amendment 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.
  - 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. 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 and discuss contractual matters related to the opioid case Jefferson County Commission v. Purdue Pharmaceutical, et. al. Motion seconded and unanimously approved.**
  - **Motion by Mr. Hudson to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**
  - **Motion by Mr. Stolipher to accept the release of the settlement agreement concerning the opioid case and authorize the President of the Commission to affix his signature on the appropriate document. Motion seconded and unanimously approved.**

**OLD BUSINESS**

- 8. Discussion of Policy 319 – Financial System Access & Approval Policy, in relation to Comprehensive Audit – Mr. Nissel stated he would work with County Clerk Jacqueline



Shadle concerning Policy 319 in relation to her statutory duties. It was the consensus of the Commission to continue the discussion of this item at a later date.

9. Discussion of Ambulance Services, including potential action regarding composition, organization, and structure of county EMS services and the Jefferson County Emergency Services Agency, including the utilization, scheduling, and compensation of employees, the utilization of volunteers, acquisition and distribution of ambulance resources, acquisition and distribution of ambulance resources, implementation of Fitch recommendations and review and implementation of issues related to the Commission's approved motion in its May 19, 2022 meeting to develop a potential plan to create a County Ambulance Services – no updates provided.
10. Reconsider the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, to allow Solar Energy Facilities to process as a Principal Permitted Use in areas located inside the Urban Growth Boundary and Preferred Growth Area as delineated on the Future Land Use Guide in the County's Comprehensive Plan; and as a Conditional Use in areas outside of the Urban Growth Boundary and Preferred Growth Area. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

(Please note Commissioner Stolipher recused himself from the discussion of this topic.)

- Motion by Ms. Jackson to accept proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01 from the Planning Commission to allow Solar Energy Facilities to process as a Principal Permitted Use in areas located inside the Urban Growth Boundary and Preferred Growth Area as delineated on the Future Land Use Guide in the County's Comprehensive Plan; and as a Conditional Use in areas outside of the Urban Growth Boundary and Preferred Growth Area. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table; and to find the amendment in conformance with the Jefferson 2035 Comprehensive Plan. Motion seconded and passes 4-0 with Commissioner Stolipher abstaining.
11. Discussion and review of issues regarding potential action of Charles Town Utility Board before the Public Service Commission concerning distressed utilities and matters related thereto – no updates provided.

## **NEW BUSINESS**

12. Discussion of July 7, 2022 Regularly Scheduled Meeting

- **Motion by Mr. Stolipher to cancel the July 7, 2022 Regularly Scheduled County Commission Meeting. Motion seconded and unanimously approved.**

13. Discussion of Jefferson County Roads Summit (CH) – it was the consensus of the Commission to tentatively plan to hold a Roads Summit in the fall and potentially invite other stakeholders such as representatives from the Hagerstown –Eastern Panhandle Metropolitan Planning Organization and the local municipalities.

### **COUNTY ADMINISTRATOR REPORTS**

- Discussion of Policy 216-A-COVID-19 Expanded FMLA Policy
  - **Motion by Mr. Stolipher to maintain the sunset date of June 30, 2022 for County Policy 216-A and revisit in September if necessary. Motion seconded and unanimously approved.**

### **ADJOURN**

14. The Commission adjourned at 08:25 p.m. on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

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Caleb Hudson, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant