

Minutes

Jefferson County Commission

Thursday, November 03, 2022

A meeting of the Jefferson County Commission was held on Thursday, November 03, 2022 during the third quarterly session at 9:30a.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, Cindy Rezmer, Deputy County Administrator, Jessica James, Assistant Deputy County Administrator and Sorayda Pitts, Administrative Assistant (The archived meeting of the Thursday, November 03, 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 October 20, 2022 regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Hudson to approve the Payroll for October 28, 2022 in the amount of \$285,706.15. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Hudson to approve the Requisitions for November 03, 2022 in the amount of \$49,278.75 Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
87029	ADAM WARD	\$ 261.70
87030	AHA-ARTS & HUMANITIES ALLIANCE	\$ 1,596.90
87031	AMANDA JOHNSON	\$ 496.25
87032	AT&T MOBILITY - CC	\$ 162.41
87033	BOLAND TRANE SERVICES INC	\$ 1,939.00
87034	BUREAU OF CHILD SUPPORT	\$ 373.39
87035	CARL E WOLF	\$ 1,625.00
87036	COMPTROLLER OF MARYLAND	\$ 828.85
87037	CONRAD LEGAL CORP.	\$ 525.00
87038	CYNTHIA DANNER	\$ 270.63
87039	DELTA DENTAL OF WV	\$ 6,080.59
87040	DODSON SEPTIC SERVICE LLC	\$ 285.00
87041	ECOWATER	\$ 125.00
87042	EFTPS IRS TAXES	\$ 100,335.05
87043	EMILY MORROW	\$ 141.25
87044	EMPOWER RETIREMENT	\$ 5,927.58
87045	ESI ELECTRONIC SYSTEMS INC	\$ 942.51
87046	EVERBRIDGE INC.	\$ 3,713.15
87047	GRANICUS INC.	\$ 11,658.84
87048	GUTTMAN OIL CO	\$ 3,402.90
87049	INSIGHT PUBLIC SECTOR INC	\$ 16,828.65
87050	J.C. EHRLICH	\$ 813.30
87051	JAMIN BRANCH	\$ 388.75
87052	JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	\$ 2,364.61
87053	JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$ 39,922.48
87054	JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$ 15,074.15
87055	JEFFERSON COUNTY DEVELOPMENT AUTHORITY	\$ 31,725.00
87056	JEFFERSON SECURITY BANK	\$ 4,595.00
87057	JUSTTECH LLC	\$ 86.20
87058	KONE BROOKLYN	\$ 1,809.75
87059	MILLENIUM INSURANCE GROUP	\$ 900.00
87060	MILLERS SUPPLIES AT WORK	\$ 22.31
87061	MILLER'S SUPPLIES AT WORK	\$ 1,200.21
87062	MOUNTAIN STATE	\$ 415.00
87063	NATIONWIDE RETIREMENT SOLUTIONS	\$ 834.00
87064	NEOPOST USA INC.	\$ 442.62
87065	RCS SECURITY	\$ 2,446.00
87066	RICE TIRES CO	\$ 2,303.44
87067	SANDRA KELLEY	\$ 115.50
87068	SPIRIT OF JEFFERSON	\$ 164.82
87069	STATE INDUSTRIAL PRODUCTS	\$ 240.35
87070	STATE TAX DEPARTMENT	\$ 150.00
87071	TOWN OF BOLIVAR	\$ 15,074.16
87072	TRICIA JACKSON	\$ 266.88
87073	WHOLESALE TIRES INC.	\$ 51.26
87074	WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 18,306.65
87075	WV DEPT OF TRANSPORTATION	\$ 25.00
87076	WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	\$ 281.45
87077	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 45,186.15
87078	WV STATE TAX DEPARTMENT	\$ 36,066.35
87079	WVU WEST VIRGINIA UNIVERSITY	\$ 3,700.00

87080		XEROX CORPORATION		\$ 2,107.28
87081	GS/004	GENERAL CO FUND -004		\$ 13,366.00
87082	FG/009	SHERIFF OF JEFFERSON CO		\$ 5,007.59
87083	BS/011	SHERIFF OF JEFFERSON CO		\$ 7,379.94
87084	AM/053	GLOBAL SCIENCE & TECH		\$ 1,800.00
87085	AM/053	SHERIFF OF JEFFERSON CO		\$ 1,618.11
TOTAL				\$ 413,769.96

- **Motion by Mr. Hudson to approve the Accounts Payable for October, 27 2022 in the amount of \$413,769.96. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
87086		COLONIAL LIFE		\$ 95.68
87087		DAVID WAMPLER		\$ 18.99
87088		ED HANNON		\$ 8.57
87089		HIGHMARK WV		\$ 188,512.21
87090		JEFF CO PARKS & RECREATION COMMISSION		\$ 35,960.97
87091		KEITH JOHNSON		\$ 10.57
87092		MILLERS SUPPLIES AT WORK		\$ 47.00
87093		NATIONAL VISION ADMIN.		\$ 1,664.60
87094		OLD CHARLES TOWN LIBRARY		\$ 1,500.00
87095		RONALD DANTZIC		\$ 7.40
87096		THOMAS HANSEN		\$ 46.00
87097		W B MASON CO. INC		\$ 251.91
87098	FG/009	BERKELEY CO SHERIFF		\$ 2,502.99
87099	FG/009	RUGGED NOTEBOOKS		\$ 9,570.00
87100	FG/009	MOOREFIELD POLICE DEPT		\$ 1,037.80
87101	SG/O10	JEFFERSON DAY REPORT		\$ 38,750.00
TOTAL				\$ 279,984.69

- **Motion by Mr. Hudson to approve the Accounts Payable for November 03, 2022 in the amount of \$279,984.69. Motion seconded and unanimously approved.**

APPROVAL OF MANUAL CHECKS

28-Oct-22

OTHER FUNDS				
Check#	Fund	VENDOR		Amount
562	CS/OO2	EASTRIDGE HEALTH SYSTEM		\$ 2,800.00
819	HD/OO8	SHERIFF OF JEFFERSON CO		\$ 799.31
1792	CO/246	RACO CONSULTING		\$ 1,375.00
133	AR/207	SHERIFF OF JEFFERSON CO		\$ 5,417.86
948	CW/O59	BADGES AND WALLETS		\$ 5,229.00
TOTAL				\$ 15,621.17

- **Motion by Mr. Hudson to approve the Manual Checks for October 28, 2022 in the amount of \$15,621.17. Motion seconded and unanimously approved.**

4-Nov-22

OTHER FUNDS				
Check#	Fund	VENDOR		Amount
1017	AV/O56	MONROE		\$ 599.98
1018	AV/O56	PRINT-O-STAT		\$ 190.00
134	AR/207	EMERGENCY VEHICLE SPECIALIST		\$ 4,159.15
949	CW/O59	WV STATE POLICE		\$ 15.00
395	WV369	WVDSRF		\$ 783.00
TOTAL				\$ 5,747.13

- **Motion by Mr. Hudson to approve the Manual Checks for October 28, 2022 in the amount of \$5,747.13. Motion seconded and unanimously approved.**

PUBLIC COMMENT: David Tabb

PRESENTATIONS

1. Angie Banks- Assessor- Requested approval of Exonerations and/ or Apportionments.

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Bakerton Bible Church	RP	HF	\$960.44	10553

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 10553 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Michelle Hart	PP	CT	\$73.88	304397
			\$59.58	
Spencer Wells			\$276.45	

- **Motion by Mr. Stolipher to approve the apportionment of jointly owned motor vehicles for ticket No. 304397 as presented by Ms. Banks. Motion seconded and unanimously approved.**
2. Tom Hansen-Sheriff's Office- Requested the approval to reclassify the part-time Home Confinement Officer to Full Time.
 - **Motion by Mr. Stolipher to approve the re-classification of Earl Gill as a Full Time Home Confinement Officer, remaining at his current \$15 hourly rate. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to authorize the President of Commission to sign the Justice Assistance Grant (JAG) Grant contract agreement, as presented. Motion seconded and unanimously approved.**
 3. Nikki Painter-Chief Deputy Clerk-County Clerk's Office- Requested to set time and location for the 2022 General Election Canvas held November 14, 2022.
 - **Motion by Mr. Stolipher to approve the time and location of the 2022 General Election Canvas to the old commission meeting room in the courthouse at 9:30am on November 14, 2022. Motion seconded and unanimously approved.**
 4. Jennifer Myers- Director –Jefferson County Parks and Recreation- Presentation regarding receiving Austin C. Palmer Outstanding Facility award at the West Virginia Recreation & Parks Association annual conference for the AMP at Sam Michaels Park.
 5. Lynn Fields-Probate Office-
 - **Motion by Mr. Hudson to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**
 - a. Requested approval to remove Matthew Brady as personal representative of the Estate of Norma Brady, deceased, and appoint Cheyenne Brady as personal representative.
 - **Motion by Mrs. Tabb to deny the request to remove Matthew Brady as personal representative of the Estate of Norma Brady, deceased. Motion seconded and unanimously approved.**

Requested petition to grant letters of administration for the Estate of John H. Alger (unconfirmed deceased)

- **Motion by Mr. Stolipher to move matter to a Fiduciary Committee. Motion seconded and unanimously approved.**

Requested to verify petition for elective share, the Estate of Hossein Sadeghzadeh, deceased.

- **Motion by Mr. Stolipher to approve the President of the Commission to sign the agreed upon order to have all matters of the elective share of the Estate of Hossein Sadeghzadeh, deceased handle by Mr. Frank Hill. Motion seconded and unanimously approved.**
- **Motion by Mr. Hudson to adjourn as a Fiduciary Review Board and reconvene in regular session.**

6. Roger Goodwin- Chief County Engineer-

Requested reclassification of Building Inspector & Building Plans Reviewer.

- **Motion by Mr. Stolipher to approve the reclassification of the Lead Building Inspector and the Building Plans Reviewer positions to a 40 hour work week effective November 14, 2022. Motion seconded and unanimously approved.**

Requested approval of Amendment No. 1 to the schools Impact Fees FY 2023 Capital Improvement Plan

- **Motion by Mr. Stolipher to approve the Schools- FY 2023 Capital Improvement Plan- Amendment No. 1 request as presented. Motion seconded and unanimously approved.**

**Please note Mr. Cochran-Assistant Prosecuting attorney recused himself from the discussion of item 6 regarding the School FY 2023 Capitals Improvement Plan- Amendment No. 1.*

7. Dennis Jarvis- Director-Jefferson County Development Authority- Requested the permission to hire part-time employee as a social media coordinator.

- **Motion by Mr. Stolipher to approve the hire of Taylor Sisk as part-time employee with a salary of \$17.25 per hour as a social media coordinator with a starting date of December 1, 2022. Motion seconded and unanimously approved.**
8. Danny Lutz- Eastern Panhandle Conservation District- Requested status of the 7-1-3u agreement between Jefferson County, its individual towns and cities, and the State of West Virginia.
- **Motion by Mrs. Tabb to have County Administrator John Nissel meet with County Chief Engineer Roger Goodwin and Assistant Prosecuting Attorney Nathan Cochran prior to setting a date and time to have the Commission meet with the Eastern Panhandle Conservation District. Motion seconded and unanimously approved.**
9. Brendan Craig Agnew-Melvin T. Strider, Inc. (funeral home) - Requested funding for a triple cot-roll-in mortuary cooler.
- **Motion by Mrs. Tabb to have County Administrator John Nissel request a letter from the Medical Examiner detailing the need of the triple cot-roll-in mortuary cooler and to also have counsel review and report back. Motion seconded and unanimously approved.**
10. Jacki Shadle- County Clerk- Discuss the financial duties handle by the County Clerk and discuss Policy 319.

Requested corrections of County Clerk employees

- **Motion by Mrs. Jackson to approve the reclassification of eight County Clerk employees from Grade 2 to Grade 4 and the Chief Deputy Clerk from Grade 6 to Grade 7. Motion seconded and unanimously approved.**
11. Nathan Cochran- Assistant prosecuting attorney-
- a. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, including bonding, comprehensive plan, and related matters. Discussion of public hearing on proposed text amendment, review and consideration of amendment text, adoption of amendment and/or modification of amendment text and/or Planning Commission review and associated fees.

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, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103 and WV Supreme Court No.'s 21-0727, 21-0728, and 21- 0731.

- b. Report on Jefferson County Circuit Court case number 2022-C-48.
- c. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).

No Updates Provided

12. Bob Burner-Director- Jefferson County Emergency Service Agency- EMS Transition Monthly Update.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice on contract negotiation. Motion seconded and unanimously approved.**
- **Motion by Mr. Hudson to reconvene into Regular Session. Motion seconded and unanimously approved.**

13. Liz Cook- City of Charles Town-Requested funds to purchase Holiday Garland for the Courthouse.

- **Motion by Mrs. Tabb to approve the funding for the Holiday Garland for the Courthouse and not to exceed \$3800 using funds from the General Fund. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

Review and Approval of Ambulance Equipment & Supplies Purchase

- **Motion by Mr. Stolipher to approve the funding for the Ambulance Equipment & Supplies Purchase using ARPA Funding, total of \$51,684.13. Motion seconded and unanimously approved.**

Transfer of signatory – The Commission provided unanimous consent to allow Mr. Nissel signatory authority for all grant applications and documents until a new Finance Director has been hired.

LG P-Card Information Request

Matter resolved

Letter for the commission authorizing the Tax Office to re-open an account for Teen Court Funding.

Discussion of Finance Director Job Description

- *Please note Mr. Cochran, Assistant Prosecuting attorney, recused himself from the discussion of Finance Director Job Description.*

RECESS

~~~~~**EVENING SESSION**~~~~~

PUBLIC HEARING – Commissioner Hudson began the public hearing at 6:02 pm and stated the purpose of the hearing was regarding the creation of the County Commission of Jefferson County Hill Top House Hotel Economic Opportunity Development District, pursuant to Chapter 7, Article 22 of the Code of West Virginia, 1931, as amended (the “Act”), respecting the application regarding the creation of the Excise TIF District.

Public comment was then provided by the following: Sean Feigo, Scot Faulkner, Meredith Wait, Annette Mates, Ann Smith, Gregory Vaugh and Chris Brunsit.

There being no further comment, Commissioner Hudson closed public comment at 6:18pm.

- **Motion by Mr. Stolipher to approve the Resolution to consider and act upon a proposed Resolution regarding the approval of the application regarding creation of the County Commission of Jefferson County Hill Top House Hotel Economic Opportunity Development District, the undertaking and financing of the projects described in the application, and approving the submission of the application to the West Virginia Department of Economic Development for approval. as follows below. Motion seconded and passes 4-1, with Commissioner Hudson opposing.**

**Resolution Submitting Application - Excise TIF**

**RESOLUTION**

**WHEREAS**, The County Commission of Jefferson County, West Virginia (the “County Commission”) is authorized by the County Economic Opportunity Development District Act, Chapter 7, Article 22 of the Code of West Virginia 1931, as amended (the “Act”) to create Economic Opportunity Development Districts, to approve Economic Development District projects, to issue bonds or notes to finance development expenditures and other costs permitted by the Act and to take other actions as are necessary or desirable to stimulate the construction, supplementation, reconstruction and repair of structures and facilities in undeveloped, underdeveloped or seriously deteriorated areas within Jefferson County, West Virginia (the “County”), which will serve a public purpose and promote the health, safety, prosperity, security and general welfare of all citizens in the State of West Virginia all as more fully set forth in the Act;

**WHEREAS**, the County Commission has received and reviewed an Application (the “Application”) prepared by SWaN Hill Top House Hotel, LLC (the “Developer”) relating to the proposed creation of an Economic Opportunity Development District in Jefferson County, to be known and designated as “Hill Top House Hotel Economic Opportunity Development District” (the “Excise TIF District”);

**WHEREAS**, the County Commission did, on November 3, 2022, following proper notice thereof, hold public hearings with respect to the proposed creation of the Excise TIF District wherein any owner of real property situated in the proposed Excise TIF District and any resident of Jefferson County were afforded a reasonable opportunity to express their views on the proposed creation of the Excise TIF District and its proposed boundaries;

**WHEREAS**, the County Commission has, following such public hearing, found and determined that the submission of the Application to the West Virginia Department of Economic Development (the “WVDED”) will promote the establishment and vitality of significant business opportunities within the County and serve as an effective means for developing or restoring and promoting retail and other business activity within the Excise TIF District, which will stimulate economic growth and job creation in the County thereby serving a public purpose and promoting the health, safety, prosperity, security and general welfare of all citizens in the County and State all as more fully set forth in the Act; and

**WHEREAS**, the County Commission now desires to submit the Application to the WVDED for consideration for approval and, if approved, for subsequent consideration for approval by the West Virginia Legislature.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA, AS FOLLOWS:**

1. It is hereby found and determined following the public hearing thereon that the Application, as submitted to the County Commission, is approved, and the submission to the WVDED for its consideration for approval, and, if approved, for consideration for approval by the West Virginia Legislature, is hereby approved, ordered and directed.

2. It is hereby found and determined that the approval of the Application and the submission of the Application to the WVDED and the West Virginia Legislature for consideration for approval will promote the establishment and vitality of significant business opportunities within the County and serve as an effective means for developing or restoring and promoting retail and other business activity within the Excise TIF District, which will stimulate economic growth and job creation in the County thereby serving a public purpose and promoting the health, safety, prosperity and general welfare of all citizens in the County and State all as more fully set forth in the Act.

3. It is hereby authorized and ordered that the President of the County Commission cause the Application and all other necessary documentation to be submitted to the WVDED, together with a request for approval thereof.

4. The President and Members of the County Commission and other officials and employees of the County Commission are hereby authorized and directed to take such actions as they shall deem appropriate in facilitating the approval of the Application by the WVDED and the West Virginia Legislature.

5. This Resolution is effective immediately upon adoption.

Adopted this November 3, 2022.

THE COUNTY COMMISSION OF JEFFERSON COUNTY

By: \_\_\_\_\_

Its President

**ADJOURN**

The Commission adjourned at 6:22pm on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

\_\_\_\_\_  
Caleb Hudson, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant