

## Minutes

### Jefferson County Commission

Thursday, August 17, 2023

---

A meeting of the Jefferson County Commission was held on Thursday, August 17, 2023 during the third quarterly session at 6:00 pm. The meeting was held via GoToWebinar and in-person. Present were Steve Stolipher, Commissioners Tricia Jackson, Jennifer Krouse, and Jane Tabb. Also present were Cindy Rezmer, Deputy County Administrator and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, August 17, 2023 meeting is available on the Jefferson County Commission website.

**PRAYER-** Pastor Daniel Ortiz

#### **PLEDGE OF ALLEGIANCE**

Commissioner Stolipher led the Pledge of Allegiance

#### **APPOINTMENT OF CHARLES TOWN DISTRICT COMMISSIONER**

*The appointment of the Charles Town District Commissioner did not occur. Commissioner Krouse discussed her opinion and interpretation after speaking with the State Ethics Commission that 3 eligible candidates were not put forth. Commissioner Jackson agreed with Commissioner Krouse and decided not to vote. Commissioner Stolipher moved the meeting forward and tabled this appointment.*

#### **1. PUBLIC HEARING:**

Public Hearing regarding the proposed approval of (i) a Tax Increment Financing Application (the “TIF Application) with respect to the proposed creation of a Tax Increment Financing.

District to be designated “Jefferson County Redevelopment District No. 1 – Hill Top House Hotel” (the Property TIF District”) and the adoption of a project plan for the Property TIF District to be designated as “Project Plan No. 1” and (ii) submission of the TIF Application to the West Virginia Department of Economic Development.

- To consider and act upon a proposed Resolution regarding the approval of (i) the TIF Application, (ii) submission of the TIF Application to the West Virginia Department of Economic Development for approval, and (iii) other items in connection therewith

**PUBLIC COMMENT:** Wayne Bishop Phillip Scharper, Christian Pechuekonis, Carrie Gavettler, Scot Faulkner, Annette Gavin Bates, Marilee Cunningham, Paul Marshall, Nicola Bastion, Christine Marshall, Carole Carter, Matt Knott, Sandra Mara, Taylor Fithian, David Tabb and Christine Wimer.

*It was the consensus of the Commission to move this to a later date for further discussion.*

**APPROVAL OF MINUTES**

Motion by Mr. Stolipher to approve the July 20, 2023 Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the August 3, 2023 Minutes as presented. Motion seconded and unanimously approved.

**APPROVAL OF PAYROLL**

Motion by Mr. Stolipher to approve the Payroll for August 18, 2023 in the amount of \$345,793.91. Motion seconded and unanimously approved.

**APPROVAL OF ACCOUNTS PAYABLE**

CHECK REGISTER				
August 10, 2023				
CHECK #		VENDOR NAME		AMOUNT
88351		HIGHMARK WV		\$ 217,666.16
88352		INSIGHT PUBLIC SECTOR INC		\$ 1,593.08
88353		RETIREE HEALTH BENEFIT TRUST		\$ 7,668.00
88354		SHERIFF OF JEFFERSON COUNTY		\$ 10.00
88355		SHERIFF OF JEFFERSON COUNTY		\$ 82.03
88356		SOFTWARE COMPUTER GROUP		\$ 960.00
88357		SPECIALTY BUSINESS SUPPLIES		\$ 35.00
88358		TEK ADVISORS LLC		\$ 4,200.00
88359		THOMAS HANSEN		\$ 71.66

				\$ 232,285.93

- **Motion by Mr. Stolipher to approve the Accounts Payable for August 10, 2023 in the amount of \$232,285.93. Motion seconded and unanimously approved.**

CHECK REGISTER				
August 17, 2023				
CHECK #		VENDOR NAME		AMOUNT
88361		84 LUMBER		\$ 2,701.89
88362		AMERIFLEX		\$ 126.65
88363		BOLAND TRANE SERVICES INC		\$ 1,939.00
88364		BUREAU OF CHILD SUPPORT		\$ 439.85
88365		CITY OF CHARLES TOWN		\$ 180.00
88366		COLONIAL LIFE		\$ 95.68
88367		COMPTROLLER OF MARYLAND		\$ 1,106.94
88368		CORMAC QUINN		\$ 20.75
88369		DARYLL WIMER		\$ 34.21
88370		DEBBIE LOWE		\$ 671.26
88371		EFTPS IRS TAXES		\$ 122,588.99
88372		ELIZABETH DUTKO		\$ 135.79
88373		EMPOWER RETIREMENT		\$ 6,764.10
88374		FEDEX		\$ 280.32
88375		FIDELITY POWER SYSTEMS		\$ 7,201.66
88376		GUTTMAN OIL CO		\$ 11,933.96
88377		J.C. EHRlich		\$ 976.87
88378		JEFFERSON SECURITY BANK		\$ 3,975.00
88379		JENNIFER M BROCKMAN		\$ 347.86
88380		MARY ESPINOSA		\$ 309.66
88381		NATHAN COCHRAN		\$ 110.00
88382		NATIONWIDE RETIREMENT SOLUTIONS		\$ 1,065.00
88383		PATRICK KISER		\$ 220.00
88385		POTOMAC EDISON		\$ 30,299.34
88386		R.E. MICHEL CO. LLC		\$ 74.88
88387		RICE TIRES CO		\$ 420.06
88388		RONALD DANTZIC		\$ 12.06
88389		SHERIFF OF JEFFERSON COUNTY		\$ 164.29
88390		SHERIFF OF JEFFERSON COUNTY		\$ 136.65

88391		SOFTWARE SYSTEMS INC		\$ 1,110.95
88392		SPIRIT OF JEFFERSON		\$ 400.92
88393		STACI HOVERMALE		\$ 1,433.30
88394		STATE TAX DEPARTMENT		\$ 150.00
88395		STEPHEN V GROH		\$ 90.00
88396		THE HARTFORD		\$ 3,357.36
88397		US BANK		\$ 84,949.60
88398		VERIZON WIRELESS SERVICES LLC		\$ 50.00
88399		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 24,386.84
88400		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM		\$ 4,365.53
88401		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 48,184.43
88402		WV STATE TAX DEPARTMENT		\$ 32,132.77
88403	FG/009	SHERIFF OF JEFFERSON COUNTY		\$ 11,299.17
88404	BS/011	SHERIFF OF JEFFERSON COUNTY		\$ 9,447.48
88405	AM/053	SHERIFF OF JEFFERSON COUNTY		\$ 1,784.04
				\$ 417,475.11

- **Motion by Mr. Stolipher to approve the Accounts Payable for August 17, 2023 in the amount of \$417,475.11 Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

August 10, 2023				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
867	HD/008	ALLIED UNIVERSAL ELECTRONIC MON.		\$ 3,049.60
868	HD/008	D-TRAX, LLC.		\$ 480.00
233	AR/207	ATLANTIC EMERG. SOLUTIONS, INC.		\$ 286,804.00
969	CW/059	WV STATE POLICE		\$ 45.00
970	CW/059	WV STATE AUDITOR		\$ 1,675.00
971	CW/059	BOUNCE & SPLASH INFLATABLES, LLC		\$ 447.00
404	WV/369	WV DEP. SHERIFF RETIREMENT STM		\$ 761.00
1089	AV/056	SEGRA		\$ 616.00

<b>TOTAL</b>				
				<b>\$ 293,877.60</b>

- **Motion by Mr. Stolipher to approve the Manual Checks for August 10, 2023, in the amount of \$293,877.60. Motion seconded and unanimously approved.**

August 17, 2023				
OTHER FUNDS				
Check #	Fund	Vendor		Amount
328	DK/003	SHERIFF OF JEFFERSON COUNTY		\$ 1,099.66
869	HD/008	SHERIFF OF JEFFERSON COUNTY		\$ 1,717.84
870	HD/008	D-TRAX, LLC		\$ 496.00
1090	AV/056	US BANK		\$ 758.95
1091	AV/056	CARLSON SOFTWARE		\$ 208.65
1092	AV/056	PRINT-O-STAT		\$ 1,080.00
364	FP/057	JEFFERSON CO FARMLAND		\$ 114,099.23
234	AR/207	SHERIFF OF JEFFERSON COUNTY		\$ 13,045.89
1846	CO/246	P.J. RACO CONSULTING		\$ 1,375.00
<b>TOTAL</b>				<b>\$ 133,881.22</b>

- **Motion by Mr. Stolipher to approve the Manual Checks for August 18, 2023, in the amount of \$133,881.22 Motion seconded and unanimously approved.**

**ANNOUNCEMENTS:**

- **Motion by Mr. Stolipher to approve the advancement of \$25,000 to Jefferson County Christian Ministries. Motion made by Commissioner Stolipher. Motion seconded and unanimously approved**

**PUBLIC COMMENT:** Ed Hannon, David Tabb

## **PRESENTATIONS**

### 3. Angie Banks-Assessor- Requested approval of Exonerations

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
ACAR Leasing LTD	PP	CTD	\$432.04	304441

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 304441 as presented by Ms. Banks. Motion seconded and unanimously approved.**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Richard A Adelson	PP	CTD	\$117.00	305057

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 305057 as presented by Ms. Banks. Motion seconded and unanimously approved**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Richard A. Adelson	PP	CTC	\$120.00	305086

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 305086 as presented by Ms. Banks. Motion seconded and unanimously approved.**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Richard A. Adelson	PP	CTC	\$141.00	305164

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 305164 as presented by Ms. Banks. Motion seconded and unanimously approved.**

<b>NAME</b>	<b>TYPE</b>	<b>DISTRICT</b>	<b>AMOUNT</b>	<b>TICKET NO.</b>
Richard A. Adelson	PP	CTC	\$168.00	305181

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 305181 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
William & Kelsi Bell	PP	CTC	\$119.48	300592

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 300592 as presented by Ms. Banks. Motion seconded and unanimously approved**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Lyle L. Butts	PP	SD	\$19.62	314982

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 314982 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Anthony Canby	PP	SD	\$539.27	314996

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 314996 as presented by Ms. Banks. Motion seconded and unanimously approved**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Adrian & Nicole Kessel	PP	CTC	\$116.68	302295

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 302295 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Robert McPipe	PP	MD	\$200.43	312218

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 312218 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Tim & Meagon Shanley	PP	SD	\$63.08	316577

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 316577 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Patricia M. Sanderson	PP	RC	\$5,400.68	24808

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 24808 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME-Split Ticket	TYPE	DISTRICT	AMOUNT	TICKET NO.
Rhonda Vickers/ Donald Vickers	PP	CT	\$1,082.68	306173

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 306173 as presented by Ms. Banks. Motion seconded and unanimously approved.**

4. Tom Hansen-Sheriff- Requested approval for Full Time Bailiff

- **Motion by Mr. Stolipher to approve the hire of Cormac Quinn for the Full Time position of bailiff with a pay rate of \$17.00 an hour and a start date August 21, 2023. Motion seconded and unanimously approved.**

5. Interviews & Appointments to the following :

→ Jefferson County Sheriff Deputy Civil Service Commission

David Kyzner



**It was the consensus of the Commission to move this to the next meeting.**

6. Becky Burns-Office Manager- County Engineer- Requested
  - a. Partial Release of Letter of Credit #52202 for RTD Properties, LLC – Lot 29 Burr Industrial Business Park (File #22-10-SP)
    - **Motion by Mr. Stolipher to authorize a partial release of letter of Credit #52202 with Jefferson Security Bank, Shepherdstown, WV in the amount of \$69, 880.00 for RTD Properties, LLC-Lot 29 Burr Business Park (File#22-10-SP). Motion seconded and unanimously approved.**
  - b. Partial Release of Letter of Credit #521525 for Fellowship Bible Church, Phase 1B & 1D (File #19-6-SP)
    - **Motion by Mr. Stolipher to authorize a partial release of Letter of Credit #521525 with Jefferson Security Bank, Martinsburg, WV in the amount of \$251,219.00 for Fellowship Bible Church, Phase IB & 1D (File #19-6-SP). Motion seconded and unanimously approved.**
7. Luke Siegfried- County Planner- Quarterly Status Report of the 2045 Comprehensive Plan update.

#### **INFORMATIONAL ONLY**

8. Mike Sine- Director- Jefferson County Emergency Services Agency
  - a. Use agreement related to potential purchase of SFD A31
    - **Motion by Mr. Stolipher to approve the Use agreement and potential purchase of SFD A31 with the addition of an opt-out clause. Motion seconded and unanimously approved**

- b. MOU with Jefferson County VFD's

**Motion by Mr. Stolipher to approve the MOU with Jefferson County VFDs. Motion seconded and unanimously approved.**

- c. Change in Employee Statuses-Part-time to Full-time

**Motion by Mr. Stolipher to approve the change in status for Ronnie Shutts from Part-time FF/EMTI to Full-time FF/EMT I. This will be effective August 13, 2023. His rate will remain \$19.67 an hr. Upon completion of the introductory period and meeting the requirements of AP1060 he will receive a promotion to FF/EMT II with a new pay rate of \$20.67 an hour to be effective December 3, 2023. Motion seconded and unanimously approved.**

- d. Approval of Purchase- Wi-Fi Modems for Heart Monitors-

**Motion by Mr. Stolipher to approve the purchase of 12-Wifi Modems for heart monitors in the amount of \$11,953.56. Motion seconded and unanimously approved.**

- 9. Nathan Cochran- Assistant prosecuting attorney-

- a. 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, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM (W. Va. Cir.Ct. Putnam County) (the "West Virginia AG Action"), pending within In re: Opioid Litigation, Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) and related matters.
- b. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01. 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, 2022-C-14 and

2023-C-112, WV Supreme Court No.'s 21-0727, 21-0728, and 21- 0731 and WV Intermediate Court of Appeals No. to be assigned (appeal of Jefferson County Circuit Court Civil Action No. 2022-C-141).

- c. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
- d. Discussion of wage issue regarding Deputy Sheriffs.
- e. Report by counsel on Jefferson County Circuit Court Case No. CC-19-2022-C-48.
- f. Discussion of minor boundary issue between Berkeley and Jefferson County.
- g. Report by counsel on United States District Court Case No. 3:23-CV-171.
  - **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and status updates on items 9b, e and f. Motion seconded and unanimously approved.**
  - **Motion by Mr. Stolipher to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**

*\*Please note that Commissioner Steve Stolipher recused himself from the discussion of item 9b.*

## **COUNTY ADMINISTRATOR REPORT**

- For Review and Consideration for the next meeting – Updated description for a GIS/Tyler Munis Tech (no action needed)

**It was the consensus of the Commission to move this to the next meeting.**

- Update on County Departments (no action needed)

- State Budget Revisions FY2023-2024

**Motion by Mr. Stolipher to approve the budget revision for the State Auditor's office and adopt the associated resolution. Motion seconded and unanimously approved.**

- Internal Budget Transfer for Planning and Zoning (budget neutral administrative error correction)

**Motion by Mr. Stolipher to approve the budget revision for Planning and Zoning to transfer funds from 1440-4103 in the amount of \$14,000 to 1440-41802 Part-Time/ Extra help. Motion seconded and unanimously approved.**

The Commission adjourned at 10:02 pm on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

---

Steve Stolipher, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant