

## Minutes

### Jefferson County Commission

Thursday, December 21, 2023

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A meeting of the Jefferson County Commission was held on Thursday, December 21, 2023, during the third quarterly session at 6:00 pm. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher, Commissioner Tricia Jackson, Commissioner Jennifer Krouse, Commissioner Pasha Majdi and Commissioner Jane Tabb. Also present were Nathan Cochran, assistant prosecuting attorney, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, December 21, 2023, meeting is available on the Jefferson County Commission website.

**PRAYER-** Pastor Craig Bush- Grace Baptist Church

#### **APPROVAL OF MINUTES**

Motion by Mr. Stolipher to approve the December 7, 2023, regular Minutes. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the December 11, 2023, Special Session Minutes. Motion seconded and unanimously approved.

#### **APPROVAL OF PAYROLL**

Motion by Mr. Stolipher to approve the Payroll for December 9, 2023, in the amount of \$314,904.91. Motion seconded and unanimously approved.

#### **APPROVAL OF ACCOUNTS PAYABLE**

CHECK NUMBER	VENDOR NAME	UNCLEARED
88940	AMANDA MILLER	139.20
88941	AMERIFLEX	126.65
88942	CAMPBELL FLANNERY PC	17,937.75
88943	FRONTIER	55.00
88944	FRONTIER	2.25

88945		FRONTIER	7,263.14
88946		FRONTIER	162.78
88947		FRONTIER	979.97
88948		FRONTIER	120.99
88949		FRONTIER	209.29
88950		GUTTMAN OIL CO	5,036.73
88951		J.C. EHRLICH	795.47
88952		JOHN DEERE FINANCIAL	503.37
88953		MICHAEL MONAGHAN	119.50
88954		ROBIN KENNEDY	139.20
88955		SANDRA KELLEY	42.35
88956		UNIFIRST	99.97
88957		US BANK	64,226.44
88958		US POSTAL SERVICE	226.00
88959		W B MASON CO. INC	127.34
88960		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	49,071.08
88961	AM/053	AXIOM STAFFING GROUP	1,001.20
TOTAL			148,385.67

- **Motion by Mr. Stolipher to approve the Accounts Payable for December 14, 2023, in the amount of \$148,385.67. Motion seconded and unanimously approved.**

CHECK NUMBER		VENDOR NAME	UNCLEARED
88963		BUREAU OF CHILD SUPPORT	373.39
88964		COMPTROLLER OF MARYLAND	841.71
88965		CORMAC QUINN	5.40
88966		DARYLL WIMER	11.11
88967		DAVID EVERETT BOOBER	411.00
88968		DAVID WAMPLER	37.73
88969		EFTPS IRS TAXES	105,634.51
88970		EMPOWER RETIREMENT	6,557.47
88971		FEDEX	68.02
88972		GUTTMAN OIL CO	5,033.51
88973		JEFFERSON SECURITY BANK	4,085.00
88974		JOSEPH FORMAN	18.01
88975		LUKE SEIGFRIED	1,995.91
88976		MONICA ANDERSON	4,634.86
88977		NAT. ASSOC. OF EXT. 4-H YOUTH DEVELOP PROFFESIONAL	95.00
88978		NATIONWIDE RETIREMENT SOLUTIONS	1,065.00

88979		PRIORITY DISPATCH	11,114.00
88980		SOFTWARE SYSTEMS INC	1,396.70
88981		SPIRIT OF JEFFERSON	349.74
88982		STATE TAX DEPARTMENT	150.00
88983		STEVEN HOLZ	19.07
88984		UNIFIRST	199.76
88985		VA DEPT OF TAXATION	3,319.48
88986		WV DEPUTY SHERIFF RETIREMENT SYSTEM	24,462.30
88987		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	3,472.73
88988		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	46,675.45
88989		WV STATE TAX DEPARTMENT	29,893.77
88990		WVU WEST VIRGINIA UNIVERSITY	1,950.00
88991	FG/009	SHERIFF OF JEFFERSON COUNTY	8,424.62
88992	BS/011	SHERIFF OF JEFFERSON COUNTY	8,207.89
88993	AM/053	AXIOM STAFFING GROUP	1,001.20
<b>TOTAL</b>			<b>271,504.34</b>

- **Motion by Mr. Stolipher to approve the Accounts Payable for December 21, 2023, in the amount of \$271,504.34. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

			14-Dec-23
			OTHER FUNDS
Check #	Fund	Vendor	Amount
886	HD/008	ALLIED UNIVERSAL ELECTRONIC MONITORING US INC	2,614.40
887	HD/008	D-TRAX, LLC	712.00
888	HD008	SHERIFF OF JEFFERSON CO	91.36
1121	AV/056	GLOBAL SCIENCE & TECHNOLOGY INC	221.99
1122	AV/056	SHERIFF OF JEFFERSON COUNTY	2,330.48
279	AR/207	CITIZENS VOLUNTEER FIRE COMPANY	3,400.00
280	AR/207	INDEPENDENT VOLUNTEER FIRE COMPANY	2,400.00
281	AR/207	SHEPHERDSTOWN VOLUNTEER FIRE COMPANY	1,600.00
282	AR/207	SHERIFF OF JEFFERSON CO	898.64
1432	SI/249	SHERIFF OF JEFFERSON COUNTY	47.00
1433	LI/249	SHERIFF OF JEFFERSON COUNTY	5,089.84
1434	PI/249	SHERIFF OF JEFFERSON COUNTY	45,036.50
1435	EI/249	SHERIFF OF JEFFERSON COUNTY	4,746.30
1436	AI/249	SHERIFF OF JEFFERSON COUNTY	2,099.15
980	CW/059	HUNTZMAN ENTERPRISES	822.00
<b>TOTAL</b>			<b>\$72,109.66</b>

- **Motion by Mr. Stolipher to approve the Manual Checks for December 15, 2023, in the amount of \$72,109.66. Motion seconded and unanimously approved.**

21-Dec-23			
OTHER FUNDS			
Check #	Fund	Vendor	Amount
332	DG/003	SHERIFF OF JEFFERSON COUNTY	73.37
889	HD/008	SHERIFF OF JEFFERSON COUNTY	1,469.79
369	FP/057	JEFFERSON CO FARMLAND PROTECTION BOARD	101,871.29
283	AR/207	SHERIFF OF JEFFERSON COUNTY	13,247.12
1865	CO/246	MOTOROLA SOLUTIONS INC	61,593.42
157	IP/249	MINGHINI'S	2,850.00
133	IS/249	JEFFERSON COUNTY BOARD OF EDUCATION	1,276,081.00
134	IS/249	JEFFERSON COUNTY BOARD OF EDUCATION	2,166,204.20
1123	AV/056	SEGRA	653.14
<b>TOTAL</b>			<b>\$3,624,043.33</b>

- **Motion by Mr. Stolipher to approve the Manual Checks for December 22, 2023, in the amount of \$3,624,043.33. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:** Marilyn White, Denise Nick, Jacquelyn Milliron, Gale Bard, David Tabb, Doug Rockwell, Bob Aitcheson, Richard Zigler.

**PRESENTATIONS**

2. Angie Banks- Assessor- Requested -Promotion/ Job Reclassification
  - **Motion by Mrs. Tabb to approve the promotion of Victoria Myers from a Grade 7 to Grade 8 as a mapping specialist, IT and Archivist with a \$10,000 pay increase. Motion seconded and unanimously approved.**
2. Tom Hansen, Sheriff -Tax Deputy – Requested
  - a. Tax Deputy-Hire

- **Motion by Mr. Stolipher to approve the hire of Brittni Fletcher as an 80 hour Tax Deputy beginning December 26, 2023, with a starting salary of 35,000.00. Motion seconded and unanimously approved.**

b. New Hire -Part-time Bailiff -New Hire

- **Motion by Mr. Stolipher to approve the hire of Kathleen O'Connor as a part-time Bailiff beginning January 2, 2024, at a rate of \$17 per hour. Motion seconded and unanimously approved.**

3. Jackie Shadle-County Clerk- Requested

- a. Clarification on Benefit Package for Ambulance Fee Position.

**Motion Mr. Stolipher to make Pam Eddy a county employee and be eligible for the county benefits. Motion seconded and unanimously approved.**

- b. New Hire approval for part-time Finance Clerk

- **Motion by Mr. Stolipher to approve the hire of Kelly Campbell as a part-time finance clerk with a pay rate of \$20.00 per hour with a start date of January 22, 2024. Motion seconded and unanimously approved.**

4. Bryan Sutherland & Greg Sager- Jefferson County Little League- Requested

- **Motion by Mr. Stolipher to provide Jefferson County Little League with \$113,000.00 to help fund the replacement of the lights on the Little League baseball field, to come out of ARPA funds. Motion seconded and unanimously approved.**

5. Nathan Cochran- Prosecuting Attorney's Office- Presentation of Briefs in the Estates of Sherry Ellen Hoffman and Richard Walter Accurso, deceased.

***Motion by Mrs. Tabb to convene as a Fiduciary Review Board. Motion Seconded and unanimously approved.***

*Motion by Mrs. Tabb to adjourn as a Fiduciary Board and reconvene in regular session. Motion seconded and unanimously approved.*

- **Motion by Mr. Majdi to refer the case back to Frank Hill-Fiduciary Commissioner and to report back to the commission. Motion Seconded and unanimously approved.**
6. James B Crawford, III, Esquire, Crawford Law Group, PLLC- Requested to receive Petition of ROW/Easement Abandonment and schedule Public Hearing pursuant to Section 7-1-3, Code of West Virginia, 1931, as amended.
- **Motion by Mr. Stolipher to accept the Petition filed on behalf of RAI Properties, LLC and G&S Properties, LLC and to Schedule a Public Hearing for January 18, 2023. Motion seconded and unanimously approved.**

7. Jefferson County Civil Service-

- a. Interview/Appointment to the Jefferson County Deputy Sheriff Civil Service Commission -one unexpired term ending September 29, 2025.

**Will Liston**

**James Crawford**

- **Motion by Mr. Stolipher to appoint James Crawford as the citizen representative for the Jefferson County Deputy Sheriff Civil Service Commission for one unexpired term ending September 29, 2025. Motion seconded and unanimously approved.**

8. Roger Goodwin- Engineering, Planning & Zoning- Requested

- a. Beallair Homes, LLC-Beallair Subdivision, Phase 2 (File #05-41) complete bond release re-securing with a new performance bond provider.

- **Motion by Mr. Stolipher to authorize a complete release of Performance Bond #BRIFSU0613433 with International Fidelity Insurance Company,**

**Hunt Valley, MD, in the amount of \$272,333.55 for Beallair Homes, LLC-Beallair Subdivision, Phase 2 (File 05-41). Motion seconded and unanimously approved.**

- b. Beallair Homes, LLC -Beallair Subdivision, Phase 3 (Ale #21-31-SD) complete bond release re-securing with a new performance bond provider.
  - **Motion by Mrs. Tabb to authorize a complete release of Performance Bond #1092062 with The Hanover Insurance Company, Worcester, MA, in the amount of \$1,948,535.00 for Beallair Homes, LLC-Beallair Subdivision, Phase 3 (File 21-31-SD). Motion seconded and unanimously approved.**
- c. Beallair Homes, LLC -Beallair Subdivision, Phase 4A (File #19-16-SD) complete bond release re-securing with a new performance bond provider.
  - **Motion by Mrs. Tabb to authorize a complete release of Performance Bond #1086065 with The Hanover Insurance Company, Worcester, MA, in the amount of \$905,157.00 for Beallair Homes, LLC -Beallair Subdivision, Phase 4A3 (File 19-16-SD). Motion seconded and unanimously approved.**

**9. Mike Sine-Director of Jefferson County Emergency Services Agency Requested- 4 Promotions w/Salary adjustments**

- **Motion by Mrs. Tabb to approve Ronnie Shutts FF/EMT III an increase in hourly rate for 10 years of previous career work experience in accordance with AP1192. His new rate will be \$24.92 per hour effective December 17, 2023. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve Matthew Minnick a promotion from FF/AEMT Technician to FF/Paramedic III. His new pay rate will be \$25.45 per hour effective December 17, 2023. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve Brice Billings a promotion from FF/AEMT Technician to FF/Paramedic III. His new pay rate will be \$25.00 per hour effective December 17, 2023. Motion seconded and unanimously approved.**

- **Motion by Mrs. Tabb to approve McKenzie Pattison a promotion from FF/AEMT I to FF/Paramedic I. Her new pay rate will be \$25.00 per hour effective December 17, 2023. Upon completion of her probationary period and meeting the requirements of AP1060 she will now receive the corresponding promotion to FF/Paramedic II. Motion seconded and unanimously approved.**

10. Selection of Interim County Administrator-

Commissioner Jackson and Commissioner Krouse voiced concern about the workload and responsibility of holding two, executive-level offices. Additionally Commissioner Jackson and Commissioner Krouse voiced desire to nominate additional applicants.

- **Motion by Mr. Majdi to appoint Edwina Benites as the Interim County Administrator. Motion passed on a 3-2 vote with Commissioner Majda, Commissioner Stolipher and Commissioner Tabb voting for and Commissioner Jackson and Commissioner Krouse voting against.**

11. Nathan Cochran- Prosecuting Attorney's Office-

- 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 #1:17OP-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 210727, 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. Preliminary Report by Council as directed by the Commission on December 7, 2023 regarding Fire Levy.

- **It was advised by legal counsel that the Fire Levy was not ready to move forward and additional time was needed to review it thoroughly and to consider holding multiple workshops between now and leading into the General elections.**

## **NEW BUSINESS**

### **12. Approval of 2024 Holiday Schedule**

- **Motion by Mr. Majdi to approve the 2024 Holiday Schedule. Motion seconded and unanimously approved.**

### **13. Approval of 2024 Jefferson County Commission Regular Meeting Schedule & selection of date and time for the first Regular Meeting of 2024**

- **Motion by Mr. Stolipher to approve the 2024 Jefferson County Commission Regular Meeting Schedule & with Commissioner Stolipher stating the next regular meeting will be held on January 4, 2024. Motion seconded and unanimously approved.**

### **14. Approval of Shepherdstown Fire Department and Friendship Fire Company \$85k Annual Allocation.**

- **Motion by Mr. Majdi to approve the yearly allocations for Shepherdstown Fire Department and Friendship Fire Company in the amount of \$85,000. Motion seconded and unanimously approved.**

15. Discussion/Action by County Commission to seek an advisory opinion from the Ethics Commission on subunits of the Planning Commission abiding by the Open Meetings Act to include an agenda and meeting minutes (TJ)

- **Motion by Ms. Jackson for the county commission to seek an advisory opinion from the ethics commission if subunits created by the Jefferson County Planning Commission, including but not limited to the Ordinance Rewrite, Solar Facilities, and Budget committees are subject to abiding by the open meetings act to include a published agenda and meeting minutes. Motion seconded and unanimously approved**

16. Review/Consider the request from counsel at Bowles Rice & Jackson Kelly PLLC to reinstate the June 2022 Solar Text Amendment by annulling its action of September 7, 2023.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and status updates on item 16. Motion passed on 3-0 with Commissioner Majdi, Commissioner Tabb and Commissioner Stolipher voting for. Commissioner Jackson and Commissioner Krouse recused themselves.**
- **Motion by Mr. Stolipher to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**
- **Motion by Mr. Majdi to move to rescind action of the County Commission meeting on September 7, 2023 regarding the Solar Text Amendment, Further more to request the Planning Commission to review Section 8.20 in the Zoning Ordinance and provide recommended edits based on projects submitted thus far. Motion passed on 3-0 with Commissioner Majdi, Commissioner Tabb and Commissioner Stolipher voting for. Commissioner Jackson and Commissioner Krouse recused themselves.**

**\*Commissioner Majdi asked Roger Goodwin-Director-Chief County Engineer three questions:**

**1) What Article 12 procedures follow?**

- a. No- it is my understanding that the procedures of Article 12 were not followed.

**2) Have you or your staff amended the Zoning Ordinance that resulted in the Commission to take action at the September 7, 2023 meeting?**

- a. No, it is my understanding that the staff was not directed to amend the zoning ordinance and no further direction was provide as we lost the County Administrator and the Commission was not meeting. The process to amending an ordinance is to present the new amended change to the Commission that is to be adopted, along with an order directing staff to record the amended ordinance at the county clerk's office. This did not happen.

**3) Is there any difference in the language in the current Solar Text amendment since it was first written?**

- a. Attorney William F. Rohrbaugh Stated that there has been no changes to the Solar Text Amendment that was adopted back in June of 2022.

Adjourn

The Commission adjourned at 8:46 pm a motion by Commissioner Stolipher. Motion was seconded and unanimously approved.

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Steve Stolipher, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant