

Minutes

Jefferson County Commission

Thursday, January 18, 2024

A meeting of the Jefferson County Commission was held on Thursday, January 18, 2024, during the fourth quarterly session at 6:00 pm. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher, Commissioner Jane Tabb, Commissioner Tricia Jackson, Commissioner Pasha Majdi, and Commissioner Jennifer Krouse. Also present were Edwina Benites, interim county administrator, Nathan Cochran, assistant prosecuting attorney, Jacki Shadle, county clerk and Sorayda Pitts, administrative assistant. The archived meeting of the Thursday, January 18, 2024, meeting is available on the Jefferson County Commission website.

PRAYER- Pastor Anthony Aaron- Grace Baptist Church

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Motion by Mr. Stolipher to approve the December 21, 2023, Regular Meeting with edits.
Motioned seconded and unanimously approved.

Motion by Mr. Stolipher to approve the January 4, 2024, Regular Meeting with edits.
Motioned seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER		VENDOR NAME	UNCLEARED
89060		AMANDA MILLER	145.41
89061		AT&T	279.20
89062		AUTOZONE	4.27
89063		BENJAMIN S WILLIAMS	109.00
89064		BOLAND TRANE SERVICES INC	1,939.00
89065		COX HOLLIDA YOUNG PLLC	1,814.33
89066		DARRELL COX	109.00
89067		FIRST CITIZENS BANK & TRUST CO	2,230.47
89068		FRONTIER	2.25
89069		FRONTIER	3,078.95
89070		FRONTIER	55.00
89071		GUTTMAN OIL CO	3,916.18
89072		INSIGHT PUBLIC SECTOR INC	54,649.80
89073		INTRENSIC LLC	14,131.50
89074		JASON MICKEY	1,520.07
89075		KATHRYN KING	1,630.22
89076		MARY K THOMPSON	3,810.77
89077		MICHELLE EVERS	330.00
89078		MILLENIUM INSURANCE GROUP	900.00
89079		MORGAN NICK	986.18
89080		MOTOROLA SOLUTIONS INC	98,557.75
89081		NAPA AUTO PARTS	102.91
89082		NICOLE NOBREGA	4,449.16
89083		PANSCH INVESTIGATIONS LLC	275.00
89084		PATTON BUILDING SERVICES, INC	12,782.00
89085		POTOMAC EDISON	39,569.48
89086		RETIREE HEALTH BENEFIT TRUST	7,668.00
89087		RICE TIRES CO	594.40
89088		DR. ROBERT E. JONES III	1,000.00
89089		ROBIN KENNEDY	145.41
89090		SHANNON BURLETT	171.62
89091		SPIRIT OF JEFFERSON	215.08
89092		TAMMY MOBLEY	1,683.92
89093		TEK ADVISORS LLC	4,437.34
89094		THE HARTFORD	2,413.00
89095		THE HARTFORD	3,622.46
89096		THOMAS HANSEN	155.00

89097		UNIFIRST	231.28
89098	GS/004	GENERAL COUNTY FUND-J FEE	9,055.55
TOTAL			278,770.96

- **Motion by Mr. Stolipher to approve the accounts payable for January 11, 2024, in the amount of \$278,770.96. Motion seconded and unanimously approved.**

CHECK NUMBER		VENDOR NAME	UNCLEARED
89100		BUREAU OF CHILD SUPPORT	373.39
89101		COMPTROLLER OF MARYLAND	903.63
89102		EASTERN PANHANDLE REGIONAL PLANNING & DEVELOPMENT	7,500.00
89103		EFTPS IRS TAXES	112,787.32
89104		EMPOWER RETIREMENT	6,883.67
89105		FRONTIER	162.83
89106		FRONTIER	7,301.97
89107		FRONTIER	209.35
89108		JEFF CO DEPUTY SHERIFF'S ASSOC	1,330.00
89109		JEFFERSON SECURITY BANK	4,045.00
89110		NATIONWIDE RETIREMENT SOLUTIONS	1,065.00
89111		PA DEPT OF REVENUE	281.84
89112		STATE TAX DEPARTMENT	150.00
89113		US BANK	138,052.49
89114		WV DEPUTY SHERIFF RETIREMENT SYSTEM	24,139.76
89115		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	6,475.12
89116		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	47,137.08
89117		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	54,780.06
89118		WV STATE TAX DEPARTMENT	31,913.18
89119		WV ASSOCIATION OF COUNTIES	335.00
TOTAL			445,826.69

- **Motion by Mr. Stolipher to approve the accounts payable for January 18, 2024, in the amount of \$445,826.69. Motion seconded and unanimously approved.**

APPROVAL OF MANUAL CHECKS

			10-Jan-24	
		OTHER FUNDS		
Check #	Fund	Vendor		Amount
594	CS/002	BRENDA HINKLE		\$295.55
287	AR/207	R.S. EXCAVATING & CONSTRUCTION		\$3,310.00

288	AR/207	TIM FRAKER SIGNS	\$3,980.00
1872	CO/246	R.E. MICHEL CO LLC	\$259.49
1437	SI/249	SHERIFF OF JEFFERSON COUNTY-SCHOOL IMPACT	\$56.00
1438	LI/249	SHERIFF OF JEFFERSON COUNTY-LAW ENFORCE IMPACT	\$9,046.05
1439	PI/249	SHERIFF OF JEFFERSON COUNTY- PARK & REC IMPACT	\$56,374.30
1440	EI/249	SHERIFF OF JEFFERSON COUNTY- EMS IMPACT	\$5,940.03
1441	AI/249	SHERIFF OF JEFFERSON COUNTY- ADMIN IMPACT	\$2,634.02
TOTAL			\$81,895.44

- **Motion by Mr. Stolipher to approve the manual checks for January 11, 2024, in the amount of \$81,895.44. Motion seconded and unanimously approved.**

		18-Jan-24	
		OTHER FUNDS	
Check #	Fund	Vendor	Amount
891	HD/008	D-TRAX, LLC	\$992.00
892	HD/08	US BANK, SHERIFF OF JEFFERSON CO	\$91.36
1125	AV/056	US BANK, SHERIFF OF JEFFERSON CO	\$648.35
289	AR/207	STRYKER MEDICAL	\$66,024.75
290	AR/207	US BANK, SHERIFF OF JEFFERSON CO	\$898.64
TOTAL			\$68,655.10

- **Motion by Mr. Stolipher to approve the manual checks for January 19, 2024, in the amount of \$68,655.10 Motion seconded and unanimously approved.**

APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the Requisitions in the amount of \$310,721.00. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Stolipher to approve the payroll for in the amount of \$333,550.19. Motion seconded and unanimously approved.

PUBLIC COMMENT:

David Tabb

PRESENTATIONS

1. Jacqueline Shadle- County Clerk- Requested approval of full-time probate clerk.
 - **Mr. Stolipher motioned to hire Joseph Burwell as a full-time probate clerk with a start date of January 19, 2024, and a salary of \$53,000. The motion was seconded by Mrs. Tabb and unanimously approved.**

2. Martin Burke- Jefferson County Historic Landmarks Commission requested for the Jefferson County courthouse to be open on Saturday, April 23, 2024, from 10:30-3 pm.
 - **Mrs. Krouse motioned to approve the Jefferson County Courthouse to be open to the public on April 23, 2024, from 10:30 am-3 pm. The motion was seconded by Mr. Majdi and unanimously approved.**

3. Interviews and Appointments to:

Jefferson County Board of Zoning Appeals for a three-year term ending January 1, 2027.

 - **Mr. Stolipher motioned to appoint Matthew McKinney to the Jefferson County Board of Zoning Appeals for a three-year term ending January 1, 2027. The motion was seconded by Mrs. Krouse and unanimously approved.**

 - **Mr. Stolipher motioned to nominate Jacob Harris to the Jefferson County Board of Zoning Appeals for a three-year term ending January 1, 2027, until**

the reappointment issue has been resolved regarding his eligibility. The motion was seconded by Mr. Majdi and unanimously approved.

Eastern Panhandle Transit Authority Board for two three-year terms ending January 31, 2027.

- **Mrs. Tabb motioned to nominate Andrew Mollohan to the Eastern Panhandle Transit Authority Board for a three-year term ending January 31, 2027. The motion was seconded by Mr. Majdi and unanimously approved.**

Joy Lewis (no confirmation received) **NO SHOW**

4. Public Hearing request: Application of G&S Properties, LLC, RAI Properties, LLC

Public Comments: None received

- **Mr. Stolipher motioned to approve the petition filed on behalf of RAI Properties, LLC, and G&S Properties, LLC, and to schedule and public hearing that meets the appropriate required Public Notice. The motion was seconded by Mrs. Tabb and unanimously approved.**

Supporting documentation is attached

5. Elizabeth Wheeler, Director, Jefferson County Farmland Protection- Requested approval of purchase of two agriculture conservation easements.

- **Mrs. Tabb motioned to approve the purchase of one conservation easement on the property in Jefferson County owned by Aspen Pool Farm, LLC. (Property 2022-03) by the Jefferson County Farmland Protection Board for the Jefferson County Farmland Protection Program. The motion was seconded by Mrs. Krouse and unanimously approved.**
- **Mrs. Tabb motioned to approve the purchase of one conservation easement on the property in Jefferson County owned by Mrs. Gloria Willis (Property**

2023-01) by the Jefferson County Farmland Protection Board. The Motion was seconded by Mr. Stolipher and unanimously approved.

6. Dan Murphy- Greenway Engineering- Requested to schedule a public hearing for Harvest Hill Subdivision Phase II request for Zoning Map Amendment.
 - **Mr. Stolipher motioned to send the request to the Planning Commission to receive a recommendation if the request is in accordance with the Comprehensive Plan and to schedule a public hearing for Harvest Hill Subdivision Phase II request for Zoning Map Amendment for March 7, 2024, at 11:00 am. The motion was seconded by Mrs. Krouse and unanimously approved.**

7. Todd Wilt- city manager of the City of Ranson- Requested the annexation of three acres owned by the estate of Jeffrey Clarence Haymaker deceased, to the City of Ranson.
 - **Mr. Stolipher motioned to confirm the annexation of three acres owned by the estate of Jeffrey Clarence Haymaker deceased, to the City of Ranson as provided by West Virginia code §§ 8-6-4 and 8-6-4a. The motion was seconded by Mrs. Tabb and unanimously approved.**

8. Douglas Rockwell- Requested payment of attorney fees and cost for case number CC-19-2021-1, CC-33, 34,35, 36 and 75

It was the consensus of the commission to table this until legal counsel was present and discuss in executive session.

9. Dick Myers- Deputy Director- Jefferson County Office of Homeland Security and Emergency Management- Requested approvals
 - a. Approval to adopt the 2023 Jefferson County Multi-Jurisdictional Hazard Mitigation Plan.
 - **Mrs. Krouse motioned that Jefferson County Commission adopt the 2023 Multi-Jurisdictional Hazard Mitigation Plan as approved by the WV State Hazard Mitigation Office and FEMA Region 3. The motion was seconded by Mrs. Tabb and unanimously approved.**

b. Approval to release the funds in the amount of \$57,000.00 to Michael Baker International.

- **Mrs. Tabb motioned to approve the release the funds in the amount of \$57,000.00 to Michael Baker International having met their obligation within the contract that was signed by the Jefferson County Commission. The motion was seconded by Mrs. Tabb and unanimously approved.**

10. Nathan Cochran-Assistant Prosecuting Attorney

a. Discussion of legal issues and potential action regarding past and current solar litigation including Jefferson County Circuit Court Civil Action No. 2023-C-112 [Rockwell v. JCC, JCPC and JCBZA] and WV Supreme Court of Appeals No. 23-0369 (appeal of Jefferson County Circuit Court Civil Action No. 2022-C-141).

b. Memorandum of Understanding for Department of Homeland Security.

c. Report by counsel on the status of the advisory opinion regarding the Planning Commission committee meetings.

- **Mr. Majdi moved to have the county attorney update the County Commission in writing on January 24, 2024, as to the status of the inquiry. The motion was by seconded Ms. Jackson and unanimously approved.**

d Discussion of legal issues and potential action regarding Jefferson County Circuit Court Civil Action No. 2023-C-266 [Adam McDowell, individually and on behalf of Shannondale Vista Association v. JCPC and JCC].

e. Discussion of legal issues and potential action regarding Jefferson County Circuit Court Civil Action No. 2023-P-112 [JCC v. Steve Cox].

- **Mr. Stolipher moved to enter into executive session to receive legal advice and status updates on item(s) 8; and 11 a, b, and f. The motion seconded was by Mr. Majdi and unanimously approved.**

- **Mr. Stolipher moved to exit executive session and reconvene in regular session. The motion was seconded by Mrs. Tabb and unanimously approved.**
- **Mr. Stolipher moved to direct counsel as directed for agenda item Number 11f. The motion was seconded by Mr. Majdi and unanimously approved.**
- **Mr. Stolipher moved to sign the Memorandum of Understanding contract with US Custom Border Patrol / Advanced Training Center. The motion was seconded by Ms. Jackson and unanimously approved.**

NEW BUSINESS

11. Update to the County Commission from Nathan Cochran on the advisory opinion request from the Ethics Commission related to the Planning Commission and its subcommittees abiding by the Open Meetings Act (TJ)

Action under this agenda item was considered under 10c.

12. Discussion and possible action on revisiting Agenda Policy 900 to clarify when/how agenda items may be declined (JK)

It was the consensus of the commission to table action on this agenda item.

13. Continuity of Emergency Service Protocol (PM)

- **Mr. Majdi motioned to direct county staff to draft a protocol in conformance with state law to maintain the continuity of emergency services if the Commission is unable to meet or otherwise unable to approve expenditures including and not limited to the County's purchase order policy. Furthermore to draft and send a letter, in consultation with the county attorney, to appropriate representatives requesting changes in state law as needed to provide for effective continuity of emergency services if the Commission is unable to meet or otherwise unable to approve expenditures.**

INTERIM COUNTY ADMINISTRATOR REPORT

1. Legislative Summary
2. Update on hiring solicitations
3. Emergency Services Agency onboarding
4. Update on Tax Increment Financing (TIF) lawyer
 - **Ms. Jackson motioned to amend an action of the commission from September 2023 by requiring the interim county administrator to bring engagement letters from possible TIF attorneys before the Commission before engaging in a contract with any firm. Mr. Majdi requested that engagement letters should detail any representation of clients before the Commission. Ms. Jackson agreed to add this language to her original motion. The motion was Seconded by Mrs. Krouse and unanimously approved.**
5. Draft budget schedule
6. BORE workshop date request (action requested)
 - **Mr. Stolipher motioned to hold a Board of Review and Equalization (BORE) workshop on Tuesday, January 30, 2024, at 9:30 am. The motion was seconded by Ms. Jackson and unanimously approved.**
7. Follow up on the Harvest Hills vote
8. Follow up on amplified sound/ displaying the text of proposed motions
9. Boards training
10. CoxHollida Young engagement letter

- **Mr. Stolipher motioned to approve the CoxHollida Young engagement letter to provide budget preparation services. The motion was seconded by Mr. Majdi and unanimously approved.**

Adjourn

The Commission adjourned at 10:39 pm a motion by Mr. Stolipher. The motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant