OHIO COUNTY COMMISSION
8/24/2022

The Ohio County Commission met in regular session on Wednesday, August 24, 2022, at 6:00 p.m. The Pledge of Allegiance was recited.

Present at the meeting was President Randy Wharton, Commissioner Don Nickerson, Commissioner Zach Abraham, Administrator Randy Russell, Finance Director Rodd Archey, Assistant Finance Director Cody Koehler, and Solicitor Don Tennant.

Delegations-Darlene Nolan

Ohio County Resident Darlene Nolan reported that she was born and raised in Wheeling. She went to Ohio Valley Hospital for nursing school, Wheeling Jesuit for her master's in psychology, worked as a licensed social worker for drug and alcohol counseling, and AS a psychotherapist for Northwood. She is very concerned about the problems that our Country has had in the last few years. She reported that she feels we have a lot of issues in our Country, States, our cities, our school system, healthcare systems and prison systems. She states that the Country has dishonest elections, failed economic policies, and we have an increase in homelessness, mental illness, and open borders that have given us millions of illegals that are flooding our Country. She stated that without a border there is no Country. Recently she went to the Board of Education meeting. The Board of Education decided that sharing police officers is okay. She does not think that is accurate. She feels there should be a police officer at every school all day long. If they're sharing officers that means at different times of the day, there are no officers in the school. The schools should have someone that is armed and well protected in the schools all day long. She would like to read Article 4 section 4 of the Constitution. (She read the Article to the County Commission). She feels that we need to focus more on protecting our citizens than some of the other things we have been focusing on lately. She reported that her focus today is on school safety. She thinks the school system is being overburdened with all of the illegals and they are going to have our school systems overwhelmed with students who do not belong here and that means our American students are going to suffer as a result. She also stated that what is needed is school choice, because there are parents who disagree with what's going on in the public school system that do not want the enforcement to stay in public schools when they need to go to private schools. There is a session about vouchers for private schools. She asked what happened to Title 19 that was supposed to protect females; now we have males in our female sport system and invading our female showers, female restrooms. She stated we have cases of rape from transgender males in invading our schools. She knows of two cases in Virginia. She knows it is not our State, but it is a cancer that is creeping across our Country. She continued referencing drag queens, sexual advice, or abortions without parental consent. She reported in California there are twelve-year-old's who are being given a secret health care account so that they can get contraceptives and medicines that make these children sterile, and their parents know nothing about it. These kids become suicidal and are very unhappy. She states that we need to go back to greeting people, respect for our parents, respect for our flag, and respect for our Country. She stated that we need more honesty and transparency, and must get back to honest elections too, because every State and every County has some level of fraud. She asked if since the last time she was here if the Commission can give her the number of illegals or non-citizens that there have been encountered with in this area, because she thinks there is a lot more going on in this area that the public

is not being told. She stated mainly the homeless. She does not want Wheeling to look like Los Angeles, etc. laying on the streets. She feels it needs to be addressed and place them in institutions or treatment centers. She repeated and asked what we are doing with the illegals in our area.

Minutes

Commissioner Nickerson made a motion to approve the minutes from the August 9, 2022, Commission meeting as submitted. Second by Commissioner Abraham. Motion carried with all voting in favor.

GRANTS

Administrator Russell reported that there are no grants this evening.

HOTEL TAX REQUESTS/COMMUNITY GRANT REQUESTS

Wheeling Area Chamber of Commerce Annual Golf Scramble (Sept 2022)

Administrator Russell reported that there is a request from the Chamber of Commerce for their annual Golf Scramble to be held at Wheeling Country Club on September 15, 2022. There is not a specific request. Commissioner Abraham made a motion to approve $125.00 for the Golf Scramble. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Foundations Baseball

Administrator Russell reported that next is the request from Foundations Baseball. They have a fundamentals baseball camp that will start this week at the Highlands Sports Complex. Mr. Costain provided some budgetary numbers and those are attached. Commissioner Abraham made a motion to approve $1,500.00 for Foundations Baseball with a restriction that the funds cannot be given to the West Liberty Baseball team and only towards the event. There was general discussion about using County funds to make donations to other organizations. Second by Commissioner Nickerson. Motion carried with all voting in favor.

NAMI-7th Annual Walk for Mental Health Awareness (Oct 2022)

Administrator Russell reported that the next request is from the National Alliance of Mental Health for sponsorship for the 7th Annual Walk for Mental Health Awareness. There is no specific request. There is a sheet that shows sponsorship levels. Commissioner Abraham made a motion to approve $500.00 for the 7th Annual NAMI Walk. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Triadelphia Volunteer Fire Department Steak Fry (Sept 2022)

Administrator Russell reported that the next request is from the Triadelphia Volunteer Fire Department to sponsor their Annual Steak Fry Fundraiser to be held at Sonneborn Shelter. This is the second year the Commission has had this request. Commissioner Abraham made a motion to approve $500.00 for the Triadelphia Volunteer Fire Department's Steak Fry. Second by Commissioner Nickerson. Motion carried with all voting in favor.

United Way- Centre Market Oktoberfest (Sept 2022)

Administrator Russell reported that the last request tonight is from the United Way of the Upper Ohio Valley in the amount of $5,000.00 for the sponsorship of their Oktoberfest fundraising event to be held Saturday, September 24, 2022, at Centre Market. Commissioner Abraham made a motion to table this until next meeting. Second by Commissioner Nickerson. Motion carried with all voting in favor.

OLD BUSINESS

ARPA Funding Update

Purchase Orders Arnold Fire Equipment

Administrator Russell reported that he has been working with the State Treasurer's office and open.gov to create a website where non-profit and small businesses may complete an online application for funding requests and upload their supporting documents. Unfortunately, this will be a time-consuming process and that website may not be available for a few weeks. So, in the meantime he is working with TSG to create a fillable PDF application that he can attach to the County's website and local nonprofits and small businesses can go to our website fill in the application, sign it bring it in or mail it to us. Administrator Russell stated that he reported the plan was a million dollars for the non-profits and small businesses application.

Administrator Russell reported at the June 28, 2022, the Commission made commitments to the Volunteer Fire Departments of $100,000.00 each. Since then, he has received several funding requests for which he is seeking your approval. The first one is from the West Liberty Volunteer Fire Department in the amount of $82, 034.40 to purchase structural firefighting gear from Arnold Fire Equipment, LLC. The purchase was from the bid that the County Commission put out for the various fire departments. If approved, he will pay Arnold Fire Equipment and it will come out of their $100,000.00. Administrator Russell reported there is also a request from the Bethlehem Volunteer Fire Department in the amount of $57,930.92 to also purchase structural firefighting gear from Arnold.

Administrator Russell reported next, there is a request for reimbursement in the amount of $7,187.34 for the purchase of two rescue task force vests for Bethlehem's EMS personnel and he has the documentation that they have already expended those funds.

He reported he also made some commitments to municipalities from traveling to a few council meetings. At this point he has completed Triadelphia, West Liberty, and Bethlehem. He plans to attend meetings at Valley Grove and Clearview in the very near future. Commissioner Abraham made a motion to approve the request for the ARPA funds. Second by Commissioner Nickerson. Motion carried with all voting in favor.

NEW BUSINESS

Ohio County Prosecutor's Office New Hire-Administrator Russell reported that the Prosecutor has a new hire. The Commission previously approved the Prosecutor to hire for the overflow cases of abuse and neglect. The Prosecutor's office did find someone, but it did not work out. He believes the person had to travel a distance to get here. The Prosecutor's office found a gentleman by the name of Benjamin Dobkin. He has placed Mr. Dobkin's resume in your packets and would like to get the Commission's approval to hire Mr. Dobkin focusing on the overflow of abuse and neglect cases. Commissioner Abraham made a motion to approve the hiring of Mr. Dobkin to the Prosecutor's office. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Proposed Noise Ordinance

Administrator Russell reported that there is a red lined copy of the proposed noise ordinance for discussion. Administrator Russell reported that in the last two weeks the Commission office has received quite a few calls of noise being generated on the oil & gas well pads, and the trucks that are traveling the road particularly at night. He has also received comments from Mr. Scott Sonda via letter. A copy of the letter is in the Commissioners packets. Commissioner Nickerson reported that he would like to

address his redlines on this proposed ordinance. He wants to explain where he is coming from in reference to the draft. A few weeks back here at the meeting he was talking about this, and he agrees that you have freedom on your property, just like people have freedom to enjoy peace and quiet. He looks at it as a balancing act. People talk about the fact that they move to the country to enjoy their activities which is true, but just as many move to the country to have peace and quiet. He reported about working things out, and he agrees if you can do that. But that is not always the case. Mr. Sonda sent a letter to all of us, and it looks to me that there were a few pages attached that look like Facebook posts that he is assuming that are from his neighbors. Commissioner Nickerson explained what each sheet stated. He assumes with these sheets that in the situation between Mr. Sonda and Mr. Medlen are not going to be able to be worked out. He feels you have essential noise and non-essential noise. Essential noise to him is industrial, commercial, lawn mowers and things you must do. Non-essential noise would be parties, music, animals, loud voices, non-street legal vehicles. That is non-essential noise which he feels is never okay. He reported if he can hear that inside of his house then that should be illegal all the time and that's the way he has set this up. If it so loud that you can hear through walls in an apartment or residence, it's too loud. So that's the premise for my changes in here and he just wanted to lay that out. President Wharton reported that this is a matter of procedure, the next step would be to have a clean copy. Solicitor Tennant reported it could be done one of two ways. It could be tabled for a clean copy, or it could be adopted as it exists in redline and would be converted to a clean copy effectuating the changes that are on the document. He is of the opinion that this is a probably the best that can be done putting something together. Commissioner Nickerson's changes and additions are well thought out, and he does not have any objection to them. The one thing that this document does do that is different than what was before you last time it was Commissioner's Wharton's comments that he thought if there is a noise ordinance that it should apply to residential, commercial, and industrial uses and this ordinance is now changed to comply with all. Solicitor Tennant reported that the only thing that he reported that they have not done is put in a decimal. Some measurement of sound, he frankly thinks that is impractical. He reported that you can't have just a bunch of people running around with decimal meters, and this may make it difficult when a citation is issued, but at that point at least people will know that we are going to defend the ordinance to the extent that we can. If the court states that we need to amend the ordinance than we can amend it later. If you're generating noise in either of these two categories, then you must abide by this ordinance. Commissioner Abraham reported he has one comment not in favor of it. He has not received any calls in support of the ordinance since our last meeting. He did not see any advertisement for a public comment period. So, if someone's not attending the meeting and if someone's not looking at the minutes they are not going to know to come in favor or against, so he would suggest that we do that if we are going to impact the County in any way we need to advertise for public comment. President Wharton reported most complaints he gets are ATV's, engine brakes from gas & oil trucks at night and well pads. Solicitor Tennant reported there is no rule or law that would require a public comment period but as a courtesy it would probably be a good idea it. Solicitor Tennant reported there has been some public play in the newspaper over this issue but if the Commission wants to be courteous to the public and then any resident could come in and let it be known if they are for or against it. Commissioner Abraham reported that if we offer the public comment meeting then it cannot be said that the Ohio County Commission did not give opportunity. He reported that one other thing that he would like for under the procedures is that there should be either one or two attempts to resolve amicably amongst the neighbors.

A discussion went on between the Commissioners, Solicitor Tennant, and Administrator Russell. Commissioner Nickerson feels there is still a benefit of this ordinance. Once the Sheriff is called yes in some cases the offender would be gone, but if it is loud music from a party, or a commercial business, the noise would still be happening when the officer arrives so he feels it would still be beneficial. Mr. Scott Sonda reported that he has a comment. He had brought Brooke Counties original noise ordinance. He reported that he probably has more friends that live throughout Brooke County than he does in Ohio County. He is sure there will be some outcry for the most part and what Mr. Nickerson is saying the benefit is most people know that Brooke Counties is from midnight till 8:00 a.m. and most of the people respect that. He feels there would be benefits just to have it on the books as a tool, and Mr. Abraham he knows you would like neighbors to work it out and probably ninety nine percent of neighbors try to do that. Commissioner Nickerson reported that he is okay with public comment date. Solicitor Tennant stated that he is not sure if there is a way to keep track of if someone got a warning or not. There may be a way language could be included as a safe harbor if it's the type of noise that is repetitive. Example if this noise is every Saturday because of a party every weekend, perhaps a one-time attempt of notice to the other party from the complainer by certified mail, if they have that then in their back pocket and when the deputy comes, perhaps that would be a way to give a notice and could be implemented without it causing a lot of impracticalities. Commissioner Abraham made a motion to table this noise ordinance until the public comment meeting. Second by Commissioner Nickerson. Motion carried with all voting in favor.

STAFF/ELECTED OFFICIALS REPORTS

ADMINISTRATOR

Administrator Russell reported that he had posted on indeed.com for a project coordinator. That post is still open until August 31, 2022, at this point we have received two hundred thirty-one views and received four resumes. The interview process will begin this week. He reported he will be attending the West Virginia Development Council conference at Oglebay, mid-day September 6th, through mid-day September 8, 2022. The Development Office staff, and economic development will be up there presenting. He reported that SWN is drilling on the County Farm property and just a reminder the Wings Over Wheeling Vintage Show is scheduled for Saturday, September 24, 2022, from 10:00 a.m. till 4:00 p.m. There is a World War two vintage C47 coming in along with a Vietnam war era C123K. WOMP will be doing a live broadcast and there will be food.

FACILITIES

Administrator Russell reported that he is expecting the final design on the Courthouse HVAC project on September 9, 2002. He anticipates putting this out bid on September 27, 2022, with a sixty-day bid cycle which means he should have actual bids back at the end of November. He stated he has also been meeting with Frost, Brown Todd our underwriters to get the financing in place. He has yet to meet with the Building Commission as he is waiting for some direction from the bond counsel hopefully within the next two weeks. He reported that AEP plans to replace the electric transformer for the Courthouse Complex in September. It controls all four buildings. The project will cause some discomfort because they are going to have to break up concrete where the dumpsters sit and at the same time plan on digging through the alley to install new conduit. He has met with the contractor and has an idea of what the schedule looks like, and hopefully in the next few days he will have something in writing. He stated that there will be a changeover project which will cause a few power outages here at the Courthouse. The first one may be an hour or two and will be approximately 6:00 a.m. until 8:30 a.m. He stated the

change out will be a longer outage and he is hoping they can do that on a Saturday. He will update as soon as he can. He reported on the elevator repair work for the Courthouse Annex is still delayed because of a controller chip. He has a meeting Monday with the contractor to see if there is another way of moving forward. He reported on the applications for the Courthouse Facilities grant are due in October, and he is planning to apply for funding to repair two entryways to the Courthouse. He reported that on the Airport Runway 16-34 Runway crack repair is nearly complete. Jacobs Engineering accompanied by the ATC manager did an inspection on the work and there is a short punch list. He reported that the request for grant funding under the bilateral infrastructure legislation in the mount of $1.2 million has been tentatively approved for the Airport.

PUBLIC UTILITIES

Emergency Management Director Lou Vargo reported that he spoke with Mr. Gamble from the Health Department and the COVID numbers are about the same. He is still administering vaccinations and home test kits are available at the Ohio County Health Department. He reported that there has been no change on Monkey Pox, and there are still only four cases in West Virginia. He reported that today he hosted the United States Coastguard Maritime planning meeting and their annual exercise. He reported that next week on Thursday, he and the Wheeling Fire Department will be conducting a tabletop WVU Medicine's Continuous Care Unit. It is an interactive tabletop with the staff there. Also, on Saturday, August 27, ESI out of Philadelphia who does specialized training and fire rescue will start at the event center with two hours of class and then onto Valley Camp at Middle Creek and be cutting three school buses apart.

Sheriff Tom Howard reported that September 11-13, 2022, is the Sheriff's Association with the Auditors at Oglebay Park so there will be a lot of law enforcement around. Sheriff Howard stated he was contacted by Hancock County asked for assistance is serving the search warrant out on Technology Drive for the person of interest in an accident that occurred in Hancock County. He will have three more vacancies as of September 1, 2022, one retiring and two taking other jobs paying more money. Sheriff Howard reported in reference to the City those major arrests that were made, some are homeless, and they were charged with State charges. The magistrates asked us to GPS all of those arrested, and he has a letter drafted up send to the Prosecutor's office to deny that due to all these people do not have a valid address or phone numbers. It would cost about $42,000 to wire thirty-four new units to GPS track them, in which some cases they will probably just disappear.

FINANCE DIVISION

Bills/ Airport Runway 16-34 Invoices

Finance Director Archey reported that the Commissioners have a copy of the bills as they are up to date. Commissioner Nickerson made a motion to pay the bills. Second by Commissioner Abraham. Motion carried with all voting in favor. Finance Director Archey reported in addition to that the Commissioners have invoices from Jacobs and Russell standard, these are the Airport Project invoices. Commissioner Abraham made a motion to pay the invoices. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Finance Director Archey reported that you have a copy of the 2022 County Audit. He received word yesterday they will do a three-year contract for us. He would like to get the bidding process out on Monday, August 29, 2022, with proposals due on September 15, 2022, and the scoring committee will meet on the September 16, 2022, and bring back the recommendation to the September 20, 2022, Commission meeting. Commissioner Abraham made a motion to accept the 2023 Audit schedule. Second by Commissioner Nickerson. Motion carried with all voting in favor.

EXONERATIONS

Finance Director Archey reported that the Commissioners have seventeen exonerations tonight for their review, sixteen are credits, one debit and all are recommended by the Assessor's office. Commissioner Nickerson made a motion to approve the exonerations. Second by Commissioner Abraham. Motion carried with all voting in favor.

CERTIFICATE OF RE-ENTRY

Finance Director Archey reported that there is one certificate of re-entry tonight for the Commission's review. He stated that it has been a few years back that a citizen asked us to investigate this. This was owned by a company that is no longer in business and with an address which is not valid and unfortunately our tax office back in 2010 just suspended it from the taxes instead of going forward and selling it. He would like to get this put back on the books through the certificate of re-entry. Commissioner Nickerson made a motion to approve the certificate of re-entry. Second by Commissioner Abraham. Motion carried with all voting in favor.

ELECTIONS

Finance Director Archey reported that the Drawing of the Ballot will be Tuesday, August 30, 2022, at 9:00 a.m. There is nothing to draw for however and the ballot commissioners will look over the ballot and sign off so that it may be sent to the printers.

COMMISSION BOARD REPORTS

Nothing from the board.

COMMISSIONERS COMMENTS

Nothing from the board.

FUTURE MEETINGS

President Wharton reported that the next Commission meetings will be, Tuesday, September 6, 2022, at 8:00 a.m., on Tuesday, September 13, 2022, at 6:00 p.m. there will be a public comment on the proposed Noise Ordinance. Also on September 20, 2022, at 6:00 p.m. there will be a regular Commission meeting. Meeting adjourned.

President, Randy Wharton

Administrator, Randy Russell