OHIO COUNTY COMMISSION
3/22/2022

The Ohio County Commission met in regular session on Tuesday, March 22, 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 Randel Russell, Solicitor Don Tennant, Finance Director Rodd Archey, and Assistant Finance Director Cody Koehler.

Commissioner Nickerson made a motion to approve the minutes from the Tuesday, March 8, 2022, County Commission meeting. Second by Commissioner Abraham. Motion carried with all voting in favor.

Grants

VOCA Application- Administrator Russell reported that the Commissioners have the 2023 VOCA Grant application, which is the Victims of Crime Assistance. The grant application is for $42,295.00, and the required match is $10,575.00 for a total of $52,870.00. The concern is that last year the Governor's office stated that they would reduce the grant funding for this coming year so there is a chance that our cost may be closer to $22,000.00 but the Prosecutor has the employee funded in his budget for this coming year. Commissioner Abraham made a motion to approve the VOCA application. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Hotel Tax Requests

CASA Superhero Race

Administrator Russell reported that the first request is from CASA, Court Appointed Special Advocates. This is the ninth year for this race at the Highlands. It will be Saturday, April 16, 2022. The request is for $5,000.00. In the past the Commission has given $2,000.00. Commissioner Abraham made a motion to approve $2,000.00 for the CASA event. Second by Commissioner Nickerson. Motion carried with all voting in favor.

15th Annual Wheeling Heritage Trail Bicycle Tour

Administrator Russell reported next is the Wheeling Heritage Bicycle Tour sponsored by the Ohio Valley Trail Partners which is a 501-C3 corporation. Last year the Commission gave them $2,000.00. President Wharton stated this has really grown since they first started this bicycle tour. A lot of the participants stay at the Highlands, and in the City of Wheeling and seems to be getting bigger every year. Commissioner Abraham made a motion to approve $2,000.00 for the Bicycle Tour. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Oglebay's Women's 2022 Golf Tournament

Administrator Russell reported the next is the Oglebay Women's Golf Tournament. This event benefits the Wheeling YWCA and the Tri- County Health Center in St Clairsville. In the past the Commission has funded them with $1,500.00 with no funding in 2020. The event is June 21, 2022, in Oglebay Park. Commissioner Abraham made a motion to approve $1,500.00 for the Oglebay Women's Golf Tournament. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Undo's Upper Ohio Valley Italian Heritage Festival

Administrator Russell reported next is the 2022 Upper Ohio Valley Italian Heritage Festival. In the past the Commission has given $3,500.00. Commissioner Abraham made a motion to approve $3,500.00 for the Undo's Upper Ohio Valley Italian Heritage Festival to be held in July 2022. Second by Commissioner Nickerson. Motion carried with all voting in favor.

OLD BUSINESS

83rd Annual Mountaineers Boys State

Administrator Russell reported that he reached out to our friends at the American Legion Post #1 and found out that there are thirteen participants for the 83rd Annual Mountaineer Boys State. In the past the Prosecutor's office has funded one participant out of his forfeiture funds. This year he has agreed to fund all thirteen participants. No action required.

Courthouse -HVAC Project Temporary Chiller

Administrator Russell reported that there is no action on this tonight. He still needs to meet with the City of Wheeling.

NEW BUSINESS

MOU Opioid Allocation

Administrator Russell reported that the Commission has the MOU for the Opioid litigation recovery allocation. Solicitor Tennant reported that he has read the agreement and he also consulted with Mark Colantonio of the Fitzsimmons Law Firm about this MOU. This is an agreement, a contract amongst all the potential beneficiaries of the potential Opioid Litigation. As you may recall when the Ohio County Commissions level began our litigation was separate from anything that the State was doing, The State has now negotiated with our group to the point that there is an agreement to join the State with the process that the local government has put together with their litigation and that is jointly beneficial to both sides. The State has already achieved a settlement of $24.5 million dollars in part of a litigation that they have conducted. What this agreement does is utilize national database material to come to an allocation and apportionment of any monies that are received to be distributed to the local governments. It is a document that has been revised over time at the national level and other pieces of litigation involving the same or similar issue which he knows is ongoing in Cuyahoga County, Cleveland, Ohio, and one in California. It is not necessarily an original work, but it is a revised work to fit West Virginia. Now the underlying database to produce the allocation per governmental agency is based upon a national survey that was completed in 2012 that evidentially Ohio County submitted a response to in 2012. Mark Colantonio reported to Solicitor Tennant that every County and local government filled out the survey. He admits that depending on who received that, who understood the instructions on how to fill it out and understood the definitions of all these local governments, there may be some disparity in the allocation of proceeds. The point is while the money is going to get allocated to the various governments it is essentially restricted money. It has to be essentially related to the Opioid crisis in some fashion, kind of like the restrictions on the ARP money. Exhibit A is a key document. It will tell you how the money can be utilized. It shows Ohio County will receive $124,000.00. It is based upon the survey that was completed in 2012. This MOU sets up a not-for-profit organization in the State of West Virginia that will initially be funded by $10,000,000.00 to operate as an agency to disburse funds and monitoring the use of funds over time.

STAFF/ ELECTED OFFICIALS REPORTS

Administrator-Administrator Russell reported that he received three notices of intent to drill from SWN Production Company which means the County will have three additional well sites.

He stated that he also received the approved Monitoring and Emergency Action Plan for flood controls in Ohio and Marshall County. He stated as far as projects go, he is moving forward with the HVAC replacement project. He is still waiting on the parts for the elevator repair at the AEP building. He is still working on the roof replacement at the Animal Shelter. At the Airport he is running an advertisement for the 3-21 Project. The Runway 16-34 project will start April 14, 2022, at the Airport. The OCDA crews are working on the footers for the EMS crew quarters that will be moved to the Highlands very soon. Administrator Russell reported those are all the updates he has for tonight.

PUBLIC SAFETY

COVID-19-Emergency Management Director Vargo reported in regard to COVID-19 they are seeing one to two cases daily. Testing is still on going at OVMC on Monday, Wednesday, and Friday\s from 9-3. Vaccines are available daily here at the health Department. He reported the State is watching Europe with the Omicron, normally we are 4 weeks behind on receiving those cases. Currently there are sixteen cases of Omicron SV 2 in West Virginia. The hospitals are back to normal operations.

Emergency Management- Emergency Management Director Vargo reported that this is Severe Weather Awareness Week, and the National Weather Service, and the West Virginia Emergency Management Division at 11:00 a.m. conducted a tornado warning.

EMS- Emergency Management Director reported that the Ambulances were inspected by WV Office of Emergency Medical Services, and it went well.

Sheriff Howard reported that the Mental Hygiene Bill that your aware of was finally signed by the Governor so that will make a big difference for the DHHR to reimburse the Counties. He stated the County will get reimbursed for all fees, overtime, and transportation. A discussion began about insurance etc., for doing these transfers. Sheriff Howard reported he is down six deputies, and four of those retired. Commissioner Abraham asked to please add your new hires to the next agenda. Sheriff Howard replied I am having an issue because they will not get into the next academy that is coming up in the fall and that is why he is trying to hire two. President Wharton asked when the next academy is. Sheriff Howard reported in August, there was one in June, but we missed that one. Commissioner Abraham asked what if they go through the academy and they do not pass. The Sheriff stated they would be unemployed. He has two on his list and he feels they should be able to pass. They are two of the security guards at the front door now. The Commissioners stated that they would have to call a Special Meeting to approve two new hires. Sheriff Howard reported that there is possibly some new Cops grant funding and since he is on the JAG board, he knows there is a lot of money coming forward, but he should know more in two weeks. Sheriff Howard reported on the AEP building. The front doors need to be replaced or fixed, as you must force them closed. There was an attempt to fix them, but you still must force them closed. Sheriff Howard asked if there is a faster process for purchase orders. Commissioner Abraham asked what the problem is. The Sheriff stated they are not getting done. Administrator Russell stated to the Sheriff that is not true. The Sheriff reported there are three setting in there right now. Administrator Russell stated okay we will talk about speeding up the process. President Wharton reported that he will try to have that meeting early next week and asked the Sheriff to please think about what we could do with the AEP building since you are on that board to obtain money for repairs over there.

FINANCE DIVISION

Finance Director Archey reported that the Commissioners have a copy of the bills as they are up to date. He asked the Commissioners if there are any questions on the bills. Commissioner Nickerson asked what the AT & T bill is. Finance director Archey stated those are the fees for home confinement bracelets. Commissioner Abraham made a motion to pay the bills. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Finance Director Archey reported that the values have been completed by the State. Our total values are up slightly. He reported that he will give the Commissioners copies of the totals. Our land values are down, but our personal property is up. Commissioner Abraham stated that it is better than what we anticipated. Finance Director Archey reported at least it's up, but it is a little concerning that it is personal property rather than land values.

EXONERATIONS

Finance Director Archey reported that there are two exonerations for the Commission's consideration tonight. They are supplementals, approved by the Assessor and both are credits. Commissioner Abraham made a motion to accept the exonerations. Second by Commissioner Nickerson. Motion carried with all voting in favor.

ELECTIONS

Finance Director Archey reported that you have an election calendar for the next few weeks. The main event is the absentee ballots begin going out Friday, March 25, 2022.

COMMISSION BOARD REPORTS

Commissioner Abraham reported that there is an Airport Advisory Committee meeting on Tuesday, March 29, 2022, at 5:30 p.m.

COMMISSIONERS COMMENTS

Nothing from the board.

President Wharton made a motion to go into executive session per WV Code 55-17-4 for pending litigation. Second by Commissioner Abraham. Motion carried with all voting in favor.

Commissioner Abraham made a motion to come out of executive session. Second by Commissioner Nickerson. Motion carried with all voting in favor.

Commissioner Abraham made a motion to delay execution of the MOU Opioid Allocation until the Commission gets more information. Second by Commissioner Nickerson. Motion carried with all voting in favor.

President Wharton reported the next meeting will be on Tuesday, April 5, 2022, at 6:00 p.m. Meeting adjourned.

President, Randy wharton

Administrator, Randel Russell

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