

STATE OF WEST VIRGINIA  
RANDOLPH COUNTY COMMISSION SS:

At a regular session of the County Commission in and for the aforesaid County and State, at the James F. Cain Court House Annex, on the 4th day of April, 2019 at 1:30 p.m.

Present: Mark Scott, President of the Randolph County Commission and David Kesling, Commissioner thereof. Commissioner Chris See was absent.

Meeting called to order by Commissioner Scott

Commissioner Scott recognized Joe Gumm and James Dean, who are our area conservation district officers, in the audience.

PUBLIC COMMENT:

Mr. Brian Farkas appeared before the Commission. He thanked the Commission for their past support of the Elkwater Fork Dam. He said this Dam is a little different than other Dams that the Tygarts Valley Conservation District or the Conservation Agency deals with because this Dam was not specifically built to be a flood control structure, it was also built as a water supply. He said he was there today to thank them for their support and ask for their continued support. He said it is important because that Dam is considered a high hazard structure, if it were to fail it would cause significant property damage and people would probably die. He said that is just the classification and that is not a status report of the condition of the Dam today. He said as a high hazard structure they have to do emergency action plans on them and one of the things required is a map which shows the areas that would be affected if the Dam were to fail. He said he will be leaving the map with the Commission because it is important that the OEM Office has this information. He said this is his 20<sup>th</sup> County Commission meeting recently because any County that has a Dam has been getting one of these maps. He said the other reason he was there was to talk about the annual contribution agreement. The agreement in the packet he gave the Commissioners was signed in 2013, and because of some changes that has occurred and questions that have been raised since then, the Attorney General's Office has declared that agreements such as this are invalid. The reason they are invalid is because there is an expectation with this agreement that it is an ongoing binding commitment of the County Commissions, Municipalities and the local Tygarts Valley Conservation District. He said as you well know you cannot commit funds past a fiscal year. This agreement makes it seem like you are committing funds beyond a current fiscal year. This agreement also doesn't really reflect who the funding parties are. There is a new agreement that has been prepared and he is leaving it with the County Commission to review. He said this new agreement clarifies who the funding entities are and who the parties are. He said they are going around to every County and City asking them to agree to this new agreement which clearly state that they are annual in nature and that they will come and talk to them every year about the planned work that will occur on the Dam, so they will understand what they are paying for. This agreement has been approved by the Attorney General's Office. He also gave the Commission a brochure about removing wood and debris from a stream. He said you cannot use a tractor, bull

dozer or other equipment in the stream but you can get in the stream and remove trees and even use a chainsaw. Commissioner Scott asked if Mr. Farcas could come back in two weeks to the Commission meeting to show them what they are getting for their investment of \$10,000.00 a year? Mr. Farcas said he can come back for the meeting on May 2<sup>nd</sup>. Commissioner Scott said they would review the agreement and be able to consider approving it at that time.

#### MINUTES:

Commissioner Kesling moved to approve the minutes of the March 15, 2019 special meeting that was held to canvass the special election results, as submitted.

All yes – Motion passed unanimously

Commissioner Kesling moved to approve the minutes of the March 21, 2019 regular meeting, as submitted.

All yes – Motion passed unanimously

#### REPORTS:

OEM/911 Director, Cindy Hart appeared before the Commission. She said she received an email today regarding the Evers Military Operations Area. (See copy attached) She said they are going to be expanding their nautical miles from 450 square miles to 3,500 square miles. She said with that expansion they will begin flying into Randolph County for training purposes. She said this will be 60-90 minutes a week and it will not begin until March 2020. She said she wanted everyone to be aware of it because people will probably start calling in when it happens. Ms. Hart also said the new 911 building is right on track and there are just a few small projects they are finishing up. She said they plan to be in and operational on June 1<sup>st</sup>. She also announced the annual First Responder Day which will be held on August 17, 2019. This is for a 10 County region and there will be free food and free training.

CORRESPONDENCE: None

#### ANNOUNCEMENTS:

Commissioner Scott announced that the next meeting of the Randolph County Commission will be on April 18, 2019 at 1:30 p.m. He said a representative from the State Auditor's Office will be present to do another presentation about the WV Checkbook program. Commissioner Scott said they are seeking public comment on this issue at that meeting.

Commissioner Scott announced that there will be a special meeting held on April 16, 2019 at 1:30 p.m. to Lay the Levy.

#### ITEMS FOR DISCUSSION/ACTION:

INFORMATIONAL PRESENTATION FROM MADALYN HUMPHREY WITH ELKINS MAIN STREET (See copy attached)

Madalyn Humphrey, Executive Director of Elkins Main Street, appeared before the Commission. She said they are working to make Elkins a great place to live. She said the County Commission has helped to make it possible. She discussed the recent district



expansion to include more businesses. She also talked about the first Friday events and the community table events. She thanked the Commission for their continued support. Commissioner Scott said he was pleased that they expanded their boundaries and is excited to continue to partner with them.

#### INFORMATIONAL PRESENTATION FROM GEORGE STILES REGARDING A COST REDUCTION STUDY

Commissioner Scott said Mr. Stiles could not attend today as he had a doctor's appointment. Commissioner Kesling moved to table the presentation from George Stiles regarding a cost reduction study.

All yes – Motion passed unanimously

#### INFORMATIONAL PRESENTATION FROM MARGOT EVICK FROM CHILDREN'S ADVOCACY

Margot Evick from the Randolph Tucker Children's Advocacy Center, appeared before the Commission. She said their mission is to work together with community partners to find healing and justice for children and families in our community that have been victimized. She said in 2018 the center provided services to 141 new children on site. She said they made over 2,500 contacts with caregivers. She said 44 children were referred for trauma for mental health services and 12 children received forensic medical examinations. She said they are excited to say that their onsite medical exam room has been open since October. She said Randolph Tucker CAC also provided scholarships for local professionals and in October they hosted team training workshops. She said knowing that they have the support of the County Commission is immeasurable. She said they received notice on April 1<sup>st</sup> that they have to move. She asked if anyone knows of any place to rent, they have a budget of approximately \$6,000.00 a year. Commissioner Scott said he appreciates the work that they do and they look forward to continuing to support them. Mrs. Evick said next Saturday is the CAC dinner at Orchard Hall and everyone is invited to attend.

#### CONSIDER SIGNING CONTRACT FOR SOFTWARE UPGRADE IN THE COUNTY CLERK'S OFFICE (See copy attached)

Randolph County Clerk, Brenda Wiseman appeared before the Commission. She said this is something that was discussed in the budget meetings with the Commission earlier. This is a program that will be created by Avenu to help the bookkeeper in submitting the required on line reporting to the West Virginia Consolidated Public Retirement Board. Clerk Wiseman said this currently takes the bookkeeper 1 ½ to 2 days to do and with this program it will save her a lot of time. The cost of this program is \$3,000.00 and that has already been budgeted in next year's budget. Commissioner Kesling moved to sign the contract with Avenu for the software upgrade in the County Clerk's Office.

All yes – Motion passed unanimously

#### CONSIDER SENDING A LETTER OF ENDORSEMENT FOR NON-INTOXICATING BEER LICENSE FOR BEVERLY VFD (See copies attached)

Commissioner Scott said the Beverly Volunteer Fire Department contacted the Commission about getting a letter of endorsement for a beer license for their spring gun

bash, which is scheduled for this Saturday. Commissioner Kesling moved to approve the signing of a letter of endorsement for the Beverly Volunteer Fire Department to get a non-intoxicating beer license for the one day event.  
All yes – Motion passed unanimously

#### CONSIDER APPOINTING MERLENE YORKEY AND STEVE WYMER TO THE RANDOLPH COUNTY AMBULANCE AUTHORITY BOARD

(See copies attached)

Commissioner Scott said there are currently three vacancies on this board. They have had an opportunity to speak with a couple folks that have expressed an interest in serving. Commissioner Kesling moved to appoint Merlene Yorkey to the Randolph County Ambulance Authority Board for the unexpired term of Pam Smithson ending June 30, 2020.

All yes – Motion passed unanimously

Commissioner Kesling moved to appoint Steve Wymer to the Randolph County Ambulance Authority Board for the unexpired term of Richard Varchetto ending June 30, 2021.

All yes – Motion passed unanimously

#### CONSIDER APPROVAL OF MOUNTAIN STATE FOREST FESTIVAL TO USE FRONT LAWN (See copies attached)

Commissioner Scott said the Commission received a request from the Mountain State Forest Festival to use the front lawn of the Courthouse during the Forest Festival. He said this is something they do every year.

Commissioner Kesling moved to allow the Mountain State Forest Festival to use the front lawn of the Courthouse for a Hospitality Tent from Tuesday October 1 thru Monday October 7, 2019 and in addition five parking spaces behind the Courthouse for catering staff on Saturday October 5, 2019.

All yes – Motion passed unanimously

#### CONSIDER A RESOLUTION FOR COURT SECURITY GRANT

(See copy attached)

Commissioner Scott said last week a meeting was held with several of the elected officials regarding applying for a Court Security Grant. He said the County received a Court Security Grant two years ago which helped with upgrading all the security cameras. He said this year they are trying to get funding for panic buttons throughout the complex along with some other security equipment. He said this is a Resolution that needs to go in with the grant application.

Commissioner Kesling moved to approve the signing of Resolution 01-2019 to be sent to along with the grant application for a court security grant.

All yes – Motion passed unanimously



**FINAL SETTLEMENTS:**

Commissioner Kesling moved to approve the six final settlements/annual accountings as submitted on the following estates:

Shirley E. Daff

Roy George Isner

Naomi Young Nida

Larry Wayne McBride, Sr.

Charles Stephen Purdum

Michael Luther White

All yes - Motion passed unanimously

**BUDGET REVISIONS:**

(See attached copies)

Commissioner Kesling moved to approve one In House budget revision in the amount of \$25.00 for the Dog Warden, as submitted.

All yes – Motion passed unanimously

Commissioner Kesling moved to approve one State budget revision in the amount of \$5,000.00 for Courthouse workers compensation, as submitted.

Commissioner Kesling voted yes

Commissioner Scott voted yes

Commissioner See was absent

Motion passed

Commissioner Kesling moved to approve one In House budget revision in the amount of \$150.00 for community corrections to cover quarterly tax expenses, as submitted.

All yes – Motion passed unanimously

Commissioner Kesling moved to approve one In House budget revision in the amount of \$2,500.00 from the Sheriff's Office, moving from supplies to equipment, as submitted.

All yes – Motion passed unanimously

Commissioner Kesling moved to approve one In House budget revision in the amount of \$3,610.00 for the County Clerk's election expenses, moving from supplies to equipment, as submitted.

All yes – Motion passed unanimously

**DIVISION OF PROPERTY /ERRONEOUS ASSESSMENTS:**

Commissioner Kesling moved to approve the Division of Property/ Erroneous Assessments, as submitted.

All yes - Motion passed unanimously

**FIRE FEE ADJUSTMENTS:**

Commissioner Kesling moved to approve 31 fire fee adjustments, as submitted.

All yes – Motion passed unanimously

PAYMENT OF BILLS:

Commissioner Kesling moved to pay the bills, as submitted.

All yes - Motion passed unanimously

ADJOURN THE MEETING:

Commissioner Kesling moved to adjourn the meeting.

All yes – Motion passed unanimously

ATTEST: \_\_\_\_\_