

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 15th day of August, 2019 at 1:30 p.m.

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

Meeting called to order by Commissioner Scott

Commissioner Scott said before the meeting starts today they would like Sutton Stokes to do a presentation on the Unsafe Buildings and Land Ordinance. He said Mr. Stokes did a presentation four times around the County recently and the presentation today is not the whole thing he did for those, just a few slides to try to clear up a few things. Sutton Stokes did a power point presentation at this time. Commissioner Scott said they also used the WVU College of Law for help in this and today will be the 2nd reading of the Ordinance. He said this is not a building code and it is not zoning. It is to regulate unsafe buildings and land only. It has to be deemed unsafe before any action will be taken. The language comes directly from WV State Code 7-1-3-FF. The enforcement committee will consist of an engineer, health officer, a Randolph county volunteer fire department fire chief, litter control officer, two citizens at large and the Sheriff. They will hold regular public meetings just like the County Commission and minutes will be taken. If non compliance happens it is \$100.00 fine per day, and the County can put a lien on property to recover the costs. Commissioner Scott said he wants people to know they do not want to take property away from the citizens. Discussion followed with questions being asked by the citizens at the meeting.

PUBLIC COMMENT:

Sue Likens appeared before the Commission. She said she lives in the Montrose area and she is not against fixing unsafe buildings. She said people are not wealthy here and \$100.00 a day fine is impossible to pay. She said the Commissions word of mouth is not what they will go by, it is what is in writing. She is concerned about the violations and fines. She hopes they will reconsider the wording on the Ordinance and consider the people of Randolph County.

Marion Harless appeared before the Commission. She said she lives in the Kerens area and she doesn't have any dilapidated buildings but she does have invasive species which came with the property. She said these are blood born pollutants that go through windshields and skin into the body. She suggests putting vegetation along the road in front of people's houses to keep them out. She said too much vegetation is not the problem but too little vegetation is. She said she sent a letter to the editor of the Inter Mountain newspaper but they didn't publish it, of course. She discussed the wind turbines and the taxes that the County was supposed to get but they don't. She said the

Commission needs to be focused on things like the wind turbines instead of things like this Ordinance.

Bill Likens appeared before the Commission. He said he reads the Bible and God created earth, man and woman. He said he always believed in God. He said the Commission is forgetting God. He said he is a veteran and he fought for life, liberty and the pursuit of happiness. He said the Commission is trying to take control of people's land. He said if you take their houses where are they going to live. He told Sheriff Brady to put the Commissioners in a car and drive them around so they can see how people live out in the Country. He said it's a sad thing they are trying to do to the citizens of the County.

City of Elkins Mayor, Van Broughton, appeared before the Commission. He said he didn't like the comments by Mr. Likens. He said not one of us want people to become homeless. He said the City of Elkins is working on vacant structures in the City right now. He said some are going quickly and others are taking a while. He said when someone passes away and the Will is being contested in Court it takes a long while and when there is back taxes it can take up to 3 years to do anything. He said if the County Ordinance passes he would like to partner with them to work with the Delegates and Senators because this is a problem in all towns. He said it's a big cost to tear the houses down. He said some of the owners sign the property over to the City, but not always.

Mayor Broughton also asked about the light show that is on the Agenda today. He said the City of Elkins passed an Ordinance about LED Signage and Lights and he is just wondering if this light show would be breaking any Ordinances or laws.

Clark Martin, Chairman of the Randolph County Solid Waste Authority, appeared before the Commission. He said he wondered why the solid waste authority wasn't contacted about this Ordinance? He said the Commission is discussing all the issues they deal with every day. He said the laws are already on the books and if enforced properly there wouldn't need to be an Ordinance. He said the solid waste authority is already doing this. He said he is for the Ordinance but wishes the Commission would have involved the solid waste authority in it.

MINUTES:

Commissioner See moved to approve the minutes of the regular meeting held on August 1, 2019, as submitted.

All yes – Motion passed unanimously

REPORTS:

Curt Gainer from Randolph County EMS reported that one truck is still out of service, and they are two paramedics down but all stations are open..

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Scott announced that the next meeting of the County Commission will be held on September 5, 2019 at 1:30 p.m.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER ORDINANCE FOR UNSAFE BUILDINGS AND LAND – 2ND READING
(See copy attached)

Commissioner Kesling said he has some comments regarding the Ordinance. He showed a power point presentation and said there are a lot of social media rumors out there that are not true. He said the Commission tried to get the Ordinance out in the County for everyone to see and understand what they are trying to do. He said they held four public meetings all around the County so everyone could come. He said for everyone to remember that this can be cancelled at any time the Commission brings it up. He showed pictures of houses that are dilapidated. He said neighbors should not have to deal with this. He said he fully supports the Ordinance.

Commissioner Scott said he knows of some people that have been trying to sell their property for ten years but no one will buy it because of the neighboring house. He said they are not trying to hurt people that have gardens or high grass. He said to build the economy in our County we need to have quality homes. He said this is long overdue and needs dealt with.

Commissioner See said everyone in the room knows there are problems with dilapidated houses. He said he still wishes they could change the language in the Ordinance.

Commissioner Kesling moved to approve on 2nd reading the Unsafe Buildings and Land Ordinance, as submitted.

Commissioner Kesling voted yes

Commissioner Scott voted yes

Commissioner See voted no

Motion passed

CONSIDER DONATING A VEHICLE TO WV DEPARTMENT OF MILITARY AFFAIRS

Commissioner Scott said the State Director of Department of Homeland Security reached out to 911/OEM Director, Cindy Hart about a vehicle that her office is not using. This vehicle is owned by the County and was used in the past by 911. The State Director asked if there were any vehicles available that could be donated to them for an area liaison to use and it would benefit our County. Commissioner See moved to donate a vehicle from the 911/ OEM Office to WV Department of Military Affairs, as requested. All yes – Motion passed unanimously

CONSIDER APPOINTING BOARD MEMBERS TO RANDOLPH COUNTY HOUSING AUTHORITY

(See copy attached)

Commissioner See moved to approve the appointment of Martha Metheny to the Randolph County Housing Authority Board for a five year term beginning July 1, 2019 and ending June 30, 2024.

All yes – Motion passed unanimously

Commissioner See moved to approve the appointment of Judy Ritchie to the Randolph County Housing Authority Board for a five year term beginning on July 1, 2019 and ending on June 30, 2024.

All yes – Motion passed unanimously

CONSIDER RESOLUTION FOR WVPRI CODE ENFORCEMENT GRANT APPLICATION

(See copy attached)

Peggy Ross appeared before the Commission. She said she has been working on several grant applications for the Commission. This one is for a forgivable loan in the amount of \$10,000.00. That means if they approve their project they will give \$10,000.00 towards that project. Once you send in all the receipts they send back the money, as long as it is spent on approved items. They don't use the term grant for this but basically it is a grant, she said. She said they plan to use this for the Ordinance they just passed for the costs associated with forming the enforcement agency, costs associated with building inspector. She said it won't pay for everything but it will certainly help. There is no match that the County has to pay. Commissioner Scott said the Commission paid Sutton Stokes to do the presentations and this could be used to help with that cost. It can be used for training and education such as sending someone to get trained as an Asbestos inspector.

Commissioner Kesling moved to approve the WVPRI Code Enforcement application, as submitted.

All yes – Motion passed unanimously

CONSIDER SIGNING LETTER OF SUPPORT FOR APPROVAL FOR TOWN OF BEVERLY WATER PLANT GRANT APPLICATION

Commissioner Scott said the Town of Beverly is having issues with their water treatment plant, as far as capacity is concerned, they have not asked the Commission for any financial support at this time but anytime a grant is done by a municipality they like to have support letters. This would be a support letter from the Commission for the Town of Beverly for their water grant project.

Commissioner See moved to approve the signing of a letter of support for the Town of Beverly for a water plant grant application.

All yes – Motion passed unanimously

CONSIDER SIGNING RESOLUTION FOR WV DEPARTMENT OF ENVIRONMENTAL PROTECTION REHABILITATION ENVIRONMENTAL ACTION PLAN CED GRANT PROGRAM

(See copy attached)

Peggy Ross appeared before the Commission. She said this is to cover disposal of electronic devices. She said several people in the County hold these events a couple times a year. She said their proposal here is to get grant money from WV DEP, there is no match and you can receive up to \$20,000.00, to hold four collection events throughout the year. She said they would bring in a trailer and people could bring their old electronic

devices to them and they would haul them away and recycle them and it would be free for the residents. Commissioner Kesling moved to give authorization for the County Clerk to sign the resolution for the WV Department of Environmental Protection grant, as submitted.

All yes – Motion passed unanimously

CONSIDER SIGNING RESOLUTION FOR WV DEVELOPMENT OFFICE LAND AND WATER CONSERVATION FUND.

(See copy attached)

Peggy Ross appeared before the Commission. She said this is a dollar for dollar grant for a project that is in the works for a splash pad. She said they have not met with the people at the 4-H Camp to see if they can put it there but the meeting is next week. She said this is a resolution for her to apply for the grant once they get the money raised. She said for example if they raise \$200,000.00 then this grant will give them \$200,000.00. She said she thinks they have a pretty strong project going here. Commissioner Scott said this is very early in the process and have had meetings with the Mayor and others about it. He said we are still a long way away from having a splash pad, don't even have a location set for it yet. Commissioner Kesling said this is something the community has been wanting for a long time so they are trying to get this done. Commissioner Scott said with a splash pad you do not have to have lifeguards and the maintenance is very little. Commissioner See asked if they would be able to take private donations? Ms. Ross said yes the money the Commission raise for the project can be from private donations and business donations. Commissioner See moved to approve the signing of the resolution for the grant application for the WV Development Office Land and Water Conservation Fund, as submitted.

All yes – Motion passed unanimously

CONSIDER SIGNING RESOLUTION FOR SHEETZ CHARITIES GRANT

(See copy attached)

Peggy Ross said this is to apply for a grant through Sheetz Charities. She said she has researched this and found that they have given a lot of money for different projects such as splash pads. She said she would like to apply to them and ask for around \$25,000.00 towards the splash pad.

Commissioner Kesling moved to approve the signing of the resolution for Sheetz Charities grant application, as submitted.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF LIGHT SHOW

Commissioner Scott said they reached out to a company three or four months ago to get a quote for a light show. He said back in December he was invited to attend a light show at the Cambridge Courthouse in Ohio. He said they have a light show that they do every year, it's an hour long and they run it maybe three times a night. He said it is synchronized to music and plays on the front lawn of the courthouse. He said as far as he knows we would be the first in the State of West Virginia to do this. He said they have had a lot of inquiries from the business owners of the City of Elkins as to the fact that 80,000 visitors come a year to ride the polar express but none of them have a reason to

come to this area of the town. He said a light show would bring them here. He said just the light show itself would bring in more tourism. He said they are looking into the funding through the hotel/motel tax funds to see how much is available to use. He said this would not be paid out of general county funds, It would be paid out of hotel/motel tax funds which are dedicated for tourism. He said this would be permanent features that the County would own and would be used year after year. He said they asked for a 10 to 15 minute light show that would run every hour such as 6:00, 7:00 and 8:00. The final show would be over by 8:15 so as not to disturb the neighborhood. This would begin the same time as the polar express begins running for the season. The quote from Jolt Lighting is \$55,989.50. He said there are very few companies that can do this but for this price it would have to be put out for bid. Commissioner See said he would like to table it and discuss it more. Commissioner See moved to table item D which is regarding a light show, until a later meeting.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF GRANT AWARD FOR COMMUNITY CORRECTIONS AND APPROVE BUDGET

Erin Golden, North Central Community Corrections Director, appeared before the Commission. She said they received the grant award for this year in the amount of \$100,000.00. She said they had a board meeting last week and discussed the budget. She said the cash match from the County will be \$42,857.00. Commissioner Kesling moved to approve accepting of the grant award for North Central Community Corrections.

All yes – Motion passed unanimously

Commissioner Scott said the grant was cut by \$30,000.00 this year because there was money left in the account. Ms. Golden said the budget the board has approved and recommended to the Commission is to use the three salaries and benefits for the grant money plus the cash match but it would still be \$5,333.00 short. She said that amount of money plus bills paid out of July will come out of 072 funds. Commissioner Kesling moved to approve the North Central Community Corrections budget for the grant, as submitted.

All yes – Motion passed unanimously

Commissioner Kesling left the meeting at this time.

Erin Golden said normally the grant covers everything but since the grant was cut it will not cover it all. She said she will still need money to cover quarterly taxes, contractual services and supplies. She is requesting \$85,000.00 in each of those accounts and \$1,000.00 for travel and training. She anticipates revenue of \$250,000.00 coming in this year. Commissioner Scott said all the DHHR funds go into account 072 so that is what will be used for these expenses that are not covered by the grant this year. There will be a budget revision done today to move the money into the correct accounts.

CONSIDER SIGNING A LETTER APPROVING A LICENSE FOR BEVERLY VFD
TO OBTAIN ALCOHOL LICENSE FOR SEPTEMBER 21, 2019

(See copy attached)

Commissioner Scott said this is something the Commission has done in the past and this will be for the fall bash that the Beverly VFD has every year. Commissioner See moved to approve the signing of a letter to the WV Alcohol Beverage Control Administration on behalf of the Beverly VFD for no objection to the issuance of a non-intoxicating beer license for a one day event.

All yes – Motion passed unanimously

CONSIDER APPOINTMENT TO RANDOLPH COUNTY FIRE BOARD

(See copy attached)

Commissioner Scott said this will be the final member that needs to be appointed. Commissioner See moved to appoint Frank Bush, Jr. to a one year term on the Randolph County Fire Board with his term beginning on July 1, 2019 and ending June 30, 2020.

All yes – Motion passed unanimously

FINAL SETTLEMENTS:

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

Mary Janice Barthalow

Betty Rae Coberly

Carolyn June Lewis

Angela Josephine Miller

William Thomas Nestor

Jacob Edward Simmons

James Elbert Smith

Dustin Shane Studer

Genevieve Alice Sylvia

Robert Lee Keith Toms

All yes - Motion passed unanimously

BUDGET REVISIONS:

(See copies attached)

Commissioner See moved to approve a State Budget Revision for the flooding incident. This money needs moved into a line item to cover flood costs. The amount is \$49,400.00.

Commissioner See voted yes

Commissioner Scott voted yes

Commissioner Kesling absent

Motion passed

Commissioner See moved to approve a State Budget Revision to setup the Court Security Grant in the amount of \$35,196.00.
Commissioner See voted yes
Commissioner Scott voted yes
Commissioner Kesling absent
Motion passed

Commissioner See moved to approve an In House Budget Revision for Community Corrections.
All yes -- Motion passed

DIVISION OF PROPERTY /ERRONEOUS ASSESSMENTS:

Commissioner See moved to approve the Division of Property/ Erroneous Assessments, as submitted.
All yes - Motion passed unanimously

FIRE FEE ADJUSTMENTS:

Commissioner See moved to approve 1 fire fee adjustment, as submitted.
All yes -- Motion passed unanimously

Commissioner Kesling returned to the meeting.

PAYMENT OF BILLS:

Commissioner See moved to pay the bills, as submitted.
All yes - Motion passed unanimously

ADJOURN THE MEETING:

Commissioner See moved to adjourn the meeting.
All yes -- Motion passed unanimously

ATTEST: _____