

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 19th day of March, 2020 at 1:30 p.m.

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

Meeting called to order by Commissioner Kesling

PUBLIC COMMENT:

Commissioner Kesling said the City of Elkins was unable to attend but sent a letter that they would like read under public comment. He read the letter out loud. In the letter the City of Elkins asked the County Commission to postpone any action on the annexation request due to the State of Emergency and limiting the public gathering requirements.

MINUTES:

Commissioner Scott moved to approve the minutes from the regular meeting that was held on March 5, 2020, as submitted.
All yes -- Motion passed unanimously

REPORTS:

Commissioner Scott reported that the County Clerk was not present but sent a report to be read out loud regarding the election. He said the Election will proceed as normal and the County Clerk's Office has ordered gloves and pencils to use for early voting and Election Day voting and anyone wanting an absentee ballot may apply for one and receive one. This corona virus epidemic qualifies as a medical reason. Clerk Wiseman will keep the Commission posted if anything changes.

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Kesling announced that the next meeting of the Randolph County Commission will be held on Thursday April 2, 2020 at 1:30 p.m.

Commissioner Kesling said during this time when the Governor has closed the restaurants, bars, gym facilities etc. alot of those restaurants have gone to take out or drive thru services. He said some of those are privately or independently owned and we should really try and help support them.

Commissioner See said he agrees. It is going to hurt a lot of businesses around here.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER APPROVAL OF COUNTY EMERGENCY DECLARATION FOR CORONAVIRUS PANDEMIC (See copy attached)

Commissioner Kesling said the Randolph County Commission has prepared a Proclamation and he read it out loud. Commissioner See moved to approve the Proclamation of the Randolph County Commission to declare a State of Emergency in Randolph County West Virginia due to the health emergency of COVID-19 and that is to commence on March 19, 2020. Commissioner Scott said the Commission was on a conference call with the Governor earlier in the day and the question was posed by another county where they asked about closing the Courthouse. The answer was no, not at this time. There are certain things that still have to be done and the Courthouse cannot just close. He said at this time the Commission has encouraged the public to call or do any business online. He said they are monitoring it on a daily basis.

All yes -- Motion passed unanimously

Sheriff Brady said his office is going to put a contingency plan in place beginning tomorrow March 20, 2020. (See copy attached) He said the tax office will suspend in person visits to the sheriff's tax office main lobby. He said there will be one office door open for essential tax issues located in the hallway. He said they are suspending DMV transactions and concealed weapons applications. He said the deputies will all still be on duty with necessary precautions in place. He said the law enforcement lobby will be closed. He said they are suspending accepting inmates into the County jail and all non-essential process of civil papers within the county. He said they are working with the Circuit, Family and Magistrate Courts to accommodate all necessary court hearings. He said during this unprecedented time your safety and the safety of our employees is top priority for him. He said we have to be calm, be respectful to each other and help each other out so that we can get through these temporary difficult times.

INFORMATIONAL PRESENTATION FROM ARDEN SWECKER FOR BEVERLY HISTORICAL CVB (See copies attached)

Arden Swecker, Phyllis Baxter and Amanda Reese were all on speaker phone to do the presentation. Mr. Swecker said they began operating as a heritage and activities center in 1993 and in 2010 became a visitor's center. He said last year they became a Convention and Visitors Bureau. He said they have made some improvements in the past year. He said there is higher attendance for visitor's, it is up 10% over the past year. He said the times we are living in now is going to adversely affect us all. He said they have developed a good working relationship with the Elkins CVB at the depot. They are exploring doing a joint rack card with them. He said they don't want to duplicate services. He said they are also working on trying to get bus tours back into the County. Mr. Swecker went over the budget report that was provided to the Commission earlier. He said at present they are receiving 30% of the Hotel/Motel Tax from the Commission. He said their main issue is to have sufficient cash to operate. He said if they received 40% it would help them greatly. Phyllis Baxter discussed a request letter for matching funding for a grant to repair the roof of the bank building. The grant was in the amount of \$8,500.00. She said they are asking for a little more than half of what they have to

come up with. Commissioner Scott said they will look at the request and hold off and see the effect that this pandemic has on the Hotel/Motel Tax funds.

CONSIDER ANNEXATION REQUEST FROM CITY OF ELKINS

Commissioner Kesling said the Commission received the application paperwork from the City of Elkins on February 6, 2020. He said at that time it was turned over to their Attorney to review to make sure everything was checked and balanced. He said it has now come back to us to take action. Commissioner Scott said as you heard in public comment there are some concerns the City of Elkins has about the Commission taking any action on this plan. The Commission consulted the Prosecuting Attorney and he came back to them and said subsequent to when the request was made on the 6th of February, the State Legislature made a change to the law and that change says that in order for a minor boundary adjustment to be done by a City that they have to get approval of 100% of the stakeholders that are involved in that annexation. He said with the three that were presented to us that means that they would have to go to the property owners of all three of those properties and get their approval and then apply for the Commission to approve the annexation. He said so subsequent to their request the law was changed so the Commission has been advised by their Prosecuting Attorney that they need to abide by the law that is in place now which went into effect on February 20, 2020 which was two weeks after the request from the City but the law of the State of West Virginia as we sit here today says that any municipality that is requesting a minor boundary adjustment must get the approval of 100% of the stakeholders. Commissioner Scott said it is his recommendation that we follow the advice of the Prosecuting Attorney, not based upon its merits but based upon the fact that the law has changed. He said the letter from the City Clerk said that the Commission inadvertently limit the public's opportunity to share their opinion by scheduling this during a State of Emergency, he said here is the thing, if we rule that what they sent to us does not abide by the law of the State of West Virginia, we should not have public hearings about that, if it doesn't comply with the laws whether the public would be for or against the annexation does not matter if the request does not comply with the law. He said they will give the City an opportunity to submit back to them a petition that does comply with the law.

Commissioner Scott moved that pursuant to WV Code 8-6-5D the applications for minor boundary adjustments lack sufficient evidence that all affected parties of the additional territory consent to the annexation which is now a requirement of the law and as such he hereby move that the County Commission denies the application for minor boundary adjustment. The City of Elkins may modify the proposed application for minor boundary adjustment pursuant to WV Code 8-6-5G to comport with the currently applicable laws as contained in WV Code 8-6-5 which became effective on February 20, 2020.

Discussion: Commissioner Kesling said they received the application on February 6, 2020, there was a meeting that day. The agenda was already set so there was nothing they could do on that day. The next regular scheduled meeting was on February 20, 2020 and it was announced that they had received the application and had turned it over to the Prosecutor to review. The next meeting was on March 5, 2020 and due to the Prosecutor having grand jury he wasn't finished reviewing it yet. This is the first meeting that it could have been taken up.

All yes -- Motion passed unanimously

CONSIDER SIGNING LETTER OF SUPPORT FOR THE LEADING CREEK VOLUNTEER FIRE DEPARTMENT FOR ABCC PERMIT FOR ANNUAL GUN BASH (See letter attached)

Commissioner Scott moved to approve the request from the Leading Creek Volunteer Fire Department for a letter of support for a one day non intoxicating beer license for their gun bash to be held on July 18, 2020.

All yes – Motion passed unanimously

CONSIDER SIGNING LETTER OF SUPPORT FOR 4-H CAMP ROOF
(See letter attached)

Commissioner Scott said the Randolph County Recreation Board is applying for a grant for a roof replacement for the dining and assembly hall at the 4-H Camp. The amount they are requesting from the Commission is \$5,000.00, if they receive the grant. They need a letter of support from the County Commission to send in with the grant application. Commissioner Scott moved to approve the signing of a letter of support for the Randolph County Recreation Board.

All yes – Motion passed unanimously

APPROVE RATIFICATION OF GRANT APPLICATION FOR 911

Commissioner See moved to ratify the signature on the grant application for 911.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF POLL WORKERS FOR PRIMARY ELECTION ON MAY 12, 2020

Deputy Clerk, Karla Mahanes submitted the list of Republican poll workers to the Commission. These were submitted by the Republican Executive Committee. She told the Commission that the Democrat Executive Committee is having a hard time finding poll workers and will submit theirs once they are ready.

Commissioner Scott moved to approve the Republican poll workers as submitted for the May 12, 2020 primary election.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF CLOSING OLD ESTATES PURSUANT TO HB2746

Commissioner See moved to approve the closing of 290 old estates pursuant to HB2746, as submitted.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF HIRING NEW DEPUTY

(See copy attached)

Sheriff Brady said he would respectfully request the hiring of Daniel O'Brien as a probationary deputy sheriff for the Randolph County Sheriff's Office. He has successfully completed all investigations and testing as required. Sheriff Brady said this will be a fully benefited position with a starting salary of \$35,782.00 and the effective date of hire will be approximately April 13, 2020 or a date of his choice due to the emergencies at hand. He said the academy has been suspended until further notice. He said he will be permitted to ride with another deputy until the academy. He said he has

the money in his budget for this position. Commissioner See moved to approve the hiring of Daniel O'Brien as a deputy sheriff for the Randolph County Sheriff's Office with a starting salary of \$35,782.00, as discussed.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF CENSUS DAY PROCLAMATION

(See copy attached)

Commissioner Scott said this is a proclamation recognizing April 1, 2020 as National Census day in Randolph County. He said mailings have already gone out to a good many citizens of the County. He said everyone in the County that has a regular mailbox will receive from the Census a postcard. Then the person can answer the census online or by telephone or possibly by mail. The goal is to have it back by April 1, 2020. He said there has been a delay in delivery due to the coronavirus. If you don't receive a postcard you can still go online to answer the census. Commissioner Kesling said now more than ever people need to get those numbers in because that affects the funding for the County. Commissioner Scott moved to recognize April 1, 2020 as National Census Day in Randolph County, WV.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF LETTER OF SUPPORT OF THE MOUNTAIN TRAIL NETWORK

(See copy attached)

Commissioner Scott said back in the Legislative session in 2019 there was a law passed establishing the Mountain Trail Network Authority. There were 10 counties at that time that was a part of it and Randolph County was a part of that initial group. This year they amended it to add an additional 4 Counties. At this time they have hired an executive director and they are attempting to form a board to govern this Mountain Trail Network Authority. He said this is to connect all of the bike trails and walking trails throughout the area which would be North Central West Virginia and link them together kind of like what they have done with the four wheeler trails at the Hatfield and McCoy trail system. He said this is just a letter of support for that network. Commissioner Scott moved to approve the letter of support for the Mountaineer Trail Network Authority.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF THE 2020/2021 BUDGET

Commissioner See moved to table Item K which is to consider approval of the 2020/2021 County budget.

Discussion: Commissioner Scott said they have it almost complete but wanted to give all the elected officials a little more time to digest it with all of this crazy stuff going on right now. Commissioner Kesling said the meeting scheduled to discuss the elected official's budgets was interrupted due to a meeting regarding the coronavirus. He said there may need to be a special meeting held to approve it.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF RESOLUTION FOR WVPRI CODE ENFORCEMENT
TECHNICAL ASSISTANCE SUPPORT PROGRAM

(See attached copy)

Commissioner Scott said this is a forgivable loan in the amount of \$10,000.00 from the West Virginia Housing Development Fund to be used for the enforcement of the Unsafe Buildings Ordinance. He said as long as it is used towards its intended purpose the County Commission will not have to pay it back.

Commissioner Scott moved to approve the Resolution, as submitted and discussed.

All yes – Motion passed unanimously

FINAL SETTLEMENTS:

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

Carol Fairfax Baier

Roger L. Bolyard

Daniel Ray Cutright

Pauline McCauley

Robert Joseph Scott

All yes – Motion passed unanimously

BUDGET REVISIONS:

(See copies attached)

Commissioner See moved to approve an in house budget revision for the EM 911 office in the amount of \$14,700.00.

All yes – Motion passed unanimously

Commissioner See moved to approve an in house budget revision for the Sheriff's office for a new server in the amount of \$8,370.60.

All yes – Motion passed unanimously

Commissioner See moved to approve a state budget revision for Community Corrections in the amount of \$18,000.00.

Commissioner See voted yes – Commissioner Scott voted yes – Commissioner Kesling voted yes – Motion passed

DIVISION OF PROPERTY /ERRONEOUS ASSESSMENTS:

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

All yes - Motion passed unanimously

DISTRESSED PROPERTIES:

Commissioner Scott moved to approve 7 properties to distressed properties.

All yes – Motion passed unanimously

FIRE FEE ADJUSTMENTS:

Commissioner See moved to approve the 44 fire fee adjustments, as submitted.

All yes – Motion passed unanimously

PAYMENT OF BILLS:

Commissioner Scott 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: _____