

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 1st 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

PUBLIC COMMENT:

Sue Likens appeared before the Commission. She said she was there regarding the ordinance for unsafe buildings and land. She read the draft in its entirety and each person will fall into one of these sections. This ordinance is too broad and covers too many violations. She said she lives out in the county and does not want restrictions on her property. She said they are trying to take away her freedom and Mountaineers are supposed to always be free.

Bill Likens appeared before the Commission. He said he respects the County Commission and know they are supposed to enforce the laws. He says the citizens pay their wages and the Ordinance they are trying to slip through is not good. He said older people can't afford to fix their houses up. He said the dilapidated houses section is okay, but they don't have to threaten people and take away their rights. He said if they continue to do this is won't be good.

Marion Harless appeared before the Commission. She said she is a resident of Kerens and was there to speak about the unsafe buildings ordinance. She said she was concerned about the farming definitions and overgrown vegetation definitions. She said new residents won't come here to live in a County owned place. She said people who produce vegetables or have cattle consider themselves as farmers. She said in this ordinance one acre is not considered a farm. She said one acre can be a farm. She said the definitions are not correct in the ordinance.

MINUTES:

Commissioner See moved to approve the minutes of the regular meeting held on July 18, 2019, with one amendment, and that is the term of Kenny Pomp to the Norton Harding Jimtown PSD should have been for six years instead of five years.
All yes -- Motion passed unanimously

REPORTS:

Commissioner Mark Scott said Erin Golden, Director of North Central Community Corrections is at training with the DHHR today. He said North Central Community Corrections is able to generate a good bit of revenue from the drug testing that they do for the DHHR. There is a new program with the DHHR that they are going to get involved

in and hopefully it will generate even more revenue. He said they also received notification that they will be getting the grant funding again this year for Community Corrections but this year the grant funding was cut \$30,000.00. He said they will be meeting with Erin about this. He said they have a reserve fund that the money from the DHHR has been going into so they will be discussing using some of that.

Curt Gainer from Randolph County EMS reported that they had 590 runs in July, all three stations are open, out of 11 ambulances there is one out of service due to a front end problem and out of a 30 man staff they have two openings for paramedics.

Sheriff Mark Brady appeared before the Commission. He said he would like to clarify a few things that the folks have brought up here today so we are all on the same page and we all understand what is going on. He said he is the duly elected Sheriff of the County and he wanted to let the folks know here today that he has never been consulted about the Ordinance that they just spoke of, the dilapidated land Ordinance. He said he believes he should have been consulted about it because he is the Sheriff of the County and represent the people and the Commission. He said he too has concerns about the enforcement of the Ordinance which would rely on the safety of the residents and also the safety of the deputies. He said he believes it could be a little over reaching into people's land rights and he doesn't want to see that happen. He said we all live here and we should work together and develop Ordinances that are in the best interest of everyone. He said with that being said he does believe we do have an issue with vacant and dilapidated properties in the County. He said a lot of the drug people and homeless people are using those places to distribute drugs and they are having some issues with those, they get several calls. He said the Commission needs to take a look at this and not make it so broad and he believes there needs to be meetings held with the stake holders that are going to be involved in this Ordinance. He said if the Sheriff's Office is going to be involved as the enforcement committee he does believe he needs to be involved to discuss that. He encourages them to table this Ordinance until all the stake holders can be involved and discuss it and get it right so then we can enforce it the correct way without being overreaching on the citizens and without jeopardizing the lives of the residents and the deputies and any law enforcement involved.

Sheriff Brady also discussed the leasing of the vehicles. He said he has been trying to understand the new lease agreement between the County and Enterprise. He has asked the Commission for the signed documents and the last proposal that was sent to the Commission. He said he has not received any of that yet. He said he discussed this at the last Commission meeting and was told there was going to be a meeting between the Commission and Enterprise that he could attend. He said they had that meeting with Enterprise and learned a lot from them as to how to use their website and order vehicles and so forth. He said at that time, during the meeting, he learned that County vehicles had already been ordered. He said, I as the elected Sheriff of Randolph County was never consulted about placing of orders of any cruisers within the Sheriff's Office. He said he has always ordered their cruisers and previous Sheriff's before him has always ordered the cruisers. He doesn't know how someone else could place an order for a cruiser, without ever having a discussion with him, without ever talking to him as to what

his needs are and how the vehicles should be equipped. He has always had concerns about the cost effectiveness of this lease. He learned that five Sheriff's vehicles were ordered along with three other county vehicles. He said he doesn't need five vehicles, and he advised them before that he only needs two. He doesn't think they need to be wasting the County's money. He said he also saw that they ordered a new truck, which he has no authority over, but he can't understand why when they already have a truck they own that only has 6,000 miles on it. He said why replace it? He also learned that that a Chevy Trailblazer from the OEM/911 is being replaced and it has not been driven for over two years. He said that tells him that the vehicle was not needed. He said he works for the people of the County and we are supposed to be good stewards of their money. He said he doesn't believe this lease agreement and what is going on with it is being good stewards of the County's money. He is also concerned with how this whole thing was handled with them not consulting with him at all. Commissioner Chris See said the order was already cancelled. He said no vehicles will be ordered at this time until we all get on the same page. Sheriff Brady thanked him for that. Sheriff Brady said we need to keep the lines of communication open. Commissioner Scott said he got called out of the meeting with Enterprise because of the Harman situation. Sheriff Brady said it was very embarrassing to him to be at that meeting and no one knew what was going on because the one person that did wasn't there.

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Scott announced that the next County Commission meeting will be held on August 15, 2019 at 1:30 pm.

ITEMS FOR DISCUSSION/ACTION:

INFORMATIONAL PRESENTATION FROM KAREN JACOBSON WITH THE RANDOLPH COUNTY HOUSING AUTHORITY

Karen Jacobson appeared before the Commission to give an annual report. She said the biggest program that the Randolph County Housing Authority operates is the Section 8 Housing Voucher program. She said the report she gave the Commission shows the housing needs of our County. She said there are about 3,000 renters in the County and 39% of them are cost burdened. This means they pay more than 30% of their monthly income for rent and utilities. One of the reasons is our housing stock which consists of old and dilapidated houses that have high utility costs. She said the section 8 program helps people with their rent that is over 30% of their monthly income. It helps pay the difference. She said right now they are helping about 650 households in a six County region. She said in Randolph County it is about 350 tenants. She said the second biggest program is their Youthbuild Program which just got refunded for another three years. They do a lot of community service in the County. They have had 26 job placements in the last three or four years from this program. They started a healthy home program for senior residents. They also started a homelessness program which is a coalition to end homelessness. She said they have a three year strategic plan to build an endowment for youth build program. She said they will be coming back to the County Commission for

funding when the time comes. She said they are looking forward to working with the County.

CONSIDER REFUND OF HOTEL/MOTEL TAX FOR VALLEY VIEW MOTEL

(See copy attached)

Commissioner Scott said it was brought to their attention that the Valley View Motel in Mill Creek has been paying Hotel/Motel tax for the last few years. Prosecuting Attorney Michael Parker reviewed it and said since it is located in Mill Creek, inside the incorporated limits, the County cannot charge them Hotel/Motel tax. The town of Mill Creek can charge them if they choose to. Sheriff Brady said they did submit 6% Hotel/Motel tax and his office drafted a letter to the Commission so that Valley View Motel can get their money back. Commissioner See moved to approve the refund of \$7,383.23 to Valley View Motel for Hotel/Motel tax fees that they incorrectly paid. All yes – Motion passed unanimously

CONSIDER FUNDING SEWER PROJECT FOR HUTTONSVILLE PSD

(See copy attached)

Gary Morgan, Pat Losh and Paul Ghosh appeared before the Commission. Mr. Morgan thanked the Commission for their past support. He said they are currently working on a four million dollar sewer project. He said they are looking at the County Commission for help with funding. The DEP said if the County helps that would look good for them. He said right now they need flow meters purchased to keep track of how and where the overflow of water in extreme conditions comes from. Mr. Ghosh said they have been trying to get this project moving for the past 8-9 months. He said at a meeting a few days ago Huttonsville PSD was approved for the 4 million dollar project but they still have to go back with the plans, etc. He said 1.5 million will be borrowed at 0% interest for 30 years and the rest is done by grant funds. He said they still have WV DEP issues that they need to take care of. Mr. Ghosh said during extreme conditions the lines and treatment plant can't handle it. He said Huttonsville PSD has agreed to do a two year flow monitor survey. This will tell them where the problems are. He said the cost of the equipment is \$60,000.00 and they need that now. He said there is a \$30,000.00 grant available now but they need the County Commission to match the \$30,000.00. He said they need to know by August 6th. He said the district can come up with \$5,000.00 so they need \$25,000.00 from the County Commission. He said if they don't do this the DEP is going to fine them. Mr. Morgan said Huttonsville PSD has already gotten \$110,000.00 in fines from DEP. Commissioner Scott said they have coal severance funds but it can only be used for very specific things. He said he understands about DEP fines. Mr. Morgan said this \$60,000.00 is holding them up from getting 4 million dollars. Commissioner Kesling moved to take \$25,000.00 out of coal severance funds and give to Huttonsville PSD for the sewer project.

All yes – Motion passed unanimously

CONSIDER ORDINANCE FOR UNSAFE BUILDINGS AND LAND

Commissioner Scott said before us we have an Unsafe Buildings and Land Ordinance. He said they have had 4 informational presentations around the County with Sutton Stokes being the speaker at those presentations. He said they gathered information from

that and the Commission received a nineteen page report from Mr. Stokes. These were some recommendations based upon what folks had said at the meetings. One of the things that was mentioned was that people trust the current Commission but what happens down the road when new Commissioners come into office. He said they posed the question to the Land Use Law Clinic and the Commission was told they are permitted to add a sunset provision that means after five years the Ordinance has to be re-authorized. He said this Ordinance can be repealed or future Commissions can repeal it at anytime, they do not have to wait for five years. The next question was if it can be put on the ballot? Commissioner Scott said no, only specific ballot initiatives in West Virginia, such as zonings or levies can be considered from a vote from the people. This is a particular Ordinance that is not allowed to be voted on by the people, it has to be voted on by the Commission. West Virginia Code 7-1-3 FF gives the Commission the ability to enact an Ordinance. He said the County Commission over the last three years have looked at five separate Ordinances, large County ones and small County ones. He said the first word on this Ordinance is unsafe. In order for the enforcement committee to take action against any land owner it first has to be deemed unsafe. High grass is not an unsafe condition. He said they are not going to be going around telling people to mow their grass. The enforcement committee will meet on a regular basis to review the complaints and then they make recommendation to the County Commission, those recommendations are then considered by the Commission and approved or disapproved. The enforcement committee cannot do anything without the approval of the County Commission. This Ordinance cannot be enforced within any corporate limits of any town. He said if a complaint is lodged the Field Inspection Officer goes out to the property and looks at it and takes pictures, but they cannot go on the property without permission of the landowner. He said for the elderly people that can't afford to clean up their property the Commission has rapid response teams that are volunteers that would be willing to go clean that property up. Commissioner Scott said they are not trying to tell people what to do with their property. Commissioner See said the County already has a litter control officer that has cleaned up a lot of trash in the County. Commissioner Scott said this Ordinance is not designed for a pile of trash on someone's porch, it is for unsafe property. Commissioner Scott said the definitions are from WV State Code and to make the Ordinance enforceable they have to do this. Commissioner See said he would like to talk about it more, make it less restrictive. He said they haven't really talked much about it since the flooding happened in Harman. Commissioner Scott said when the Commission did the fire fee ordinance they had the same issues but they have worked those out. Commissioner Kesling moved to approve the first reading of the Unsafe Buildings and Land Ordinance, as submitted.

All yes – Motion passed unanimously

CONSIDER APPOINTMENT TO CIVIL SERVICE BOARD

(See copy attached)

Commissioner Kesling moved to approve the re-appointment of Todd Wamsley to the Randolph County Deputy Sheriff's Civil Service Commission for a two year term beginning on July 1, 2019 and ending June 30, 2021.

All yes – Motion passed unanimously

CONSIDER APPOINTMENTS TO RANDOLPH COUNTY FIRE BOARD

(See copy attached)

Commissioner Scott said the temporary appointments ended June 30, 2019. They are appointing them in staggered terms and they can't serve more than two consecutive terms. Commissioner See moved to appoint Lester Pritt for a three year term beginning July 1, 2019 and ending June 30, 2022, Ernie George for a two year term beginning on July 1, 2019 and ending June 30, 2021, Charlie Moats for a three year term beginning on July 1, 2019 and ending June 30, 2022, Bob Elbon for a one year term beginning on July 1, 2019 and ending on June 30, 2020, John Young for a two year term beginning on July 1, 2019 and ending on June 30, 2021 and Chris See for a one year term beginning on July 1, 2019 and ending on June 30, 2020.

All yes – Motion passed unanimously

CONSIDER CONTRACT RENEWAL FOR SECURITY FIREWALL WITH GLOBAL SCIENCE AND TECHNOLOGY

Commissioner Scott said the Commission is trying to prevent what happened in Harrison County from happening here in Randolph County. This contract is for firewall protection but Harrison County had firewall protection and their courthouse was still hacked.

Commissioner See moved to approve a one year contract with Global Science and Technology for security firewall in the amount of \$810.38, as submitted.

All yes – Motion passed unanimously

CONSIDER SIGNING STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE

(See copy attached)

Commissioner Scott said the Guards and Reserve were great in helping with the flooding at Harman. He said they were on the ground there from day 3 thru day 11 and did so much to help. He read the statement of support out loud. Commissioner Kesling moved to approve the Statement of Support for the Guard and Reserve, as submitted.

All yes – Motion passed unanimously

FOR DISCUSSION: ARCHEOLOGICAL AND ARCHITECTURE ON LOGAN HOUSE

Commissioner Scott said they are going to push that back to a later meeting. He said what this is about is in Beverly the house in the sharp turn is called the Logan House and with the increase in the amount of large trucks doing shipping they are trying to figure out what can be done with moving that house. It is a historic house dating back 1810. They are working with several different agencies on this.

CONSIDER FUNDING APPROVAL FOR LITTER CONTROL SUPPLIES

Peggy Ross appeared before the Commission. She said the litter control grant was awarded to the County in the amount of \$5,000.00. She said this means the County has to spend \$2,750.00 to get that \$5,000.00 grant. She said the goal is to have 3 litter control officers in Randolph County. They will select areas to clean up, install cameras, trash bins and put signs up along those areas and maintain that area. She said eventually they want a group to adopt that area and once a group adopts that area they will keep it

clean for the year. She said then the following year they can re-apply for the grant and clean up 3 more areas. She said they hope to keep doing this until they get all of Randolph County cleaned up. Commissioner Scott said those 3 litter control officers are volunteers and certified by the State. He said they are looking at high intensity areas where people congregated and pollute. Commissioner Scott said as a part of this grant they have to participate and purchase something. He said Peggy Ross has given the Commission a quote for nine 55 gallon concrete trash bins at a price of \$4,952.00. Commissioner See moved to approve the purchase of the trash bins at a price of \$4,952.00 as part of the litter control grant.
All yes -- Motion passed unanimously

CONSIDER RATIFYING SIGNATURE FOR TUCKER COUNTY LANDFILL

Commissioner Scott said as a result of the flooding in Harman they had to utilize the Tucker County Landfill for debris removal and they have also been working with Sunrise Sanitation. He said most of that money will be reimbursed to the County in the form of FEMA funds. He said in the meantime the County has to pay the bills. He said in order for the Tucker County Landfill to receive this the County has to enter into a credit application. Commissioner Kesling moved to ratify the signature on the credit application for Tucker County Landfill, as discussed.
All yes -- Motion passed unanimously

CONSIDER REVISION OF TAX EXONERATION FOR ELKINS FORDLAND

Commissioner Scott said about a month ago Elkins Fordland had approached the Commission because they recognized that when they moved their dealership from the City of Elkins onto the five lane that their stock, inventory of vehicles, was still being charged at the rate of levy of Elkins corporation when they are actually in Leadville district. He said the Commission entered an order to refund the money, but during the process in the refunding they found that sometimes they paid their taxes early and sometimes they didn't which made a difference in the refund amount. The Commission asked the Prosecutor to take a look at it and he suggests that they amend the previous order. Michael Parker was present and explained the situation. He said it is not much money difference but it needs to be corrected to say the refund will be in the same amount that they paid. Commissioner Kesling moved to revise the tax exoneration to Elkins Fordland to what they actually paid and that is to be calculated by the Randolph County Sheriff's Office.
All yes -- Motion passed unanimously

FINAL SETTLEMENTS:

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

Jerry Lee Haddix
Janet M. Irwin
Sheila Kay Lambert
Sandra Lee Tolin
Breighner W. Vanorsdale
Doran Lynn Zirkle

All yes - Motion passed unanimously

BUDGET REVISIONS:

(See copy 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 voted 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

INCREASE IN ASSESSMENT:

Commissioner Kesling moved to approve the one Increase in Assessment, as submitted.

All yes -- Motion passed unanimously

FIRE FEE ADJUSTMENTS:

Commissioner See moved to approve 3 fire fee adjustments, as submitted.

All yes -- Motion passed unanimously

Commissioner See moved to recess the meeting at 3:15p.m.

All yes -- Motion passed unanimously

Commissioner Scott called the meeting back to order at 4:05 p.m.

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: _____