

STATE OF WEST VIRGINIA
RANDOLPH COUNTY COMMISSION SS:

At a regular session of the Randolph County Commission in and for the aforesaid County and State, at the James F. Cain Court House Annex, on the 1st day of September, 2016 at 1:30 p.m.

PRESENT: Michael Taylor, President of the Randolph County Commission and Joyce Johns and Chris See, Commissioners thereof.

Meeting called to order by Commissioner Taylor

PUBLIC COMMENT:

Marilyn Moore appeared before the Commission. She said she is a senior resident of Randolph County and also a voter of Randolph County. She said she is opposed to placing the Levy on the ballot. She said she understood that it will be discussed the Commission's authority on their vote about placing the levy on the ballot. She said really, I guess loopholes do exist. She said she is angry as hell. She said the Board of Education members do not seem to understand they work for the people. She said this is making people angrier and angrier by putting this on the ballot time and time again until they get the outcome they want. She asked how much did it cost the Board of Education to hire an attorney from Bridgeport to challenge the decision that the County Commission made? She said we do not have any leadership at the Board of Education. She said tell them no, enough is enough.

Sharon Cross appeared before the Commission. She said she wanted to speak about Levy. She said she has nothing against helping the school system and has a lot of friends that are teachers. She said we have voted this Levy down twice and they continue to try to ram it down our throats and try to get it their way and by no means is this Levy for the children. She said when your talking about dental and vision care, they can pay for it themselves like she does or the school board can renegotiate their contract that will include it. She said the taxpayers should not be paying for it. She said they are pushing fundraisers galore now and this is just a tactic to get the parents and other people riled up to say this is what we will have to contend with without a Levy. They received 14 million dollars through the last Levy and that could have been used to repair the schools and to get air conditioners in the schools, she said.

MINUTES:

Commissioner Johns moved to approve the minutes from the regular meeting that was held on August 18, 2016, as submitted.
All yes – Motion passed unanimously

REPORTS:

City of Elkins Mayor, Van Broughton appeared before the Commission to introduce Jessica Sutton who is the new Elkins City Clerk

CORRESPONDENCE:

Commissioner Taylor said Prosecuting Attorney, Michael Parker, on or about August 25th or 26th received a correspondence from Bowles, Rice Law Firm out of Charleston, WV. The attorney is Rebecca Tinder. A copy of the letter was sent to the Randolph County Commission along with the Randolph County Clerk. Commissioner Taylor read the letter out loud. (See copy attached) Commissioner Taylor said Prosecuting Attorney, Michael Parker, then prepared a letter to the Commission also and he read that letter out loud. (See copy attached)

Michael Parker said obviously after the last Commission meeting he received this correspondence from Ms. Tinder regarding what the proposed law is pertaining to relevant sites to the state code. He said he discussed it with the Commission and forwarded a copy to them. He said they sat down and looked at the WV Code and things that she cited in her letter. He said clearly from looking at the code the board of ballot commissioners is the appropriate authority that this issue should come before. As she indicates in her letter she requests that he give advice to the Commission that this issue has to come before the board of ballot commissioners once they satisfy certain requirements. He said she also points out in her letter that he is statutorily the attorney for the Randolph County Board of Education. He said although he has not consulted with them or done anything with them regarding this issue he is still statutorily their attorney. He said he is also statutorily the attorney for the Randolph County Commission. He said it is very clear that the board of ballot commissioners is the ones that are vested with this specific issue. He said he does not take any position as to whether it has to be on the ballot or doesn't have to be on the ballot and if that's a question that the Commission has he suggests that the County Commission obtain outside legal counsel to address that specific issue. Commissioner Taylor said County Clerk, Brenda Wiseman has spent most of the week reaching out to the authorities in Charleston with different levels of state government for some guidance on this issue. He said there will be no vote taken by this Commission today. County Clerk, Brenda Wiseman said she has had extensive contact with the Secretary of State's Office regarding this issue. She said she has also spoken to the legal counsel of the Secretary of State's Office. She said they advised her that the County Commission has no authority to not put it on the ballot. They cannot deny the Board of Education's request. She said the next thing is they are saying it has to come before the ballot commissioner's and herself to decide. She said the legal counsel at the Secretary of State's Office said the only way the ballot commissioners could stop it from going in the ballot is if the Board of Education did something illegally during the process. She said as far as she can see nothing has been done illegally. She said the next step will be for the ballot commissioners and herself to proof the ballots to check for misspellings and so forth and then the ballots will be printed with the Levy on them and then it will be up to the voters to decide. Commissioner Taylor said they would provide copies of these letters to anyone who wants them.

ANNOUNCEMENTS:

Commissioner Taylor announced that the next County Commission meeting will be held on September 15, 2016 at 6:00 p.m.

ITEMS FOR DISCUSSION/ACTION:

FIRST READING OF THE PROPOSED FIRE FEE ORDINANCE

(See copy attached)

Commissioner Taylor said they have been working on this for quite some time now. He said the legal publication has run two consecutive weeks and that is part of the legal process that is required. He said the ordinance requires three readings and today will be the first reading. He said he wants to read it entirely so that everyone understands it clearly. He said at the second reading there will be a public hearing so that people can speak in favor of it or not in favor of it. He said following the completion of the second legal advertisement, the process is that if any citizen in the affected area wants to get a petition going to say to the Commission time out we don't want you to pass this, then it takes 30 percent of the registered voters in the affected area to sign the petition and have that list certified and back to the Commission within a 45 day time period. If that happens then we say time out it has to be put on an election ballot. Commissioner Taylor read the ordinance out loud. He said to keep in mind that this fire fee only pertains to people that live outside the City of Elkins or who are not in the first due area of the Elkins Fire Department. He said no one will be charged twice. Commissioner Taylor said there are several members of the Randolph County Fire Protection Association here today and they have worked long and hard to get to where we are today. Commissioner See moved to approve the first reading of the Randolph County Fire Service Fee ordinance, as presented.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF FUNDING REQUEST FROM ELKINS DEPOT
WELCOME CENTER TO PURCHASE CHRISTMAS DECORATIONS

Anne Beardslee and Samantha Helman appeared before the Commission. Ms. Helman said the christmas displays are 8 years old and in need of repair. They have raised some money for the repairs and they also want to purchase more displays. She said they could not do it without the help of the City of Elkins and the Randolph County Commission. Mayor Van Broughton said the displays stay up a lot longer now since the train is running the polar express. Commissioner Johns moved to give \$3,000.00 to the Elkins Depot Welcome Center towards the Christmas lights project and it is to be taken out of Hotel/Motel Tax.

All yes – Motion passed unanimously

PRESENTATION TO RECEIVE INFORMATION REGARDING MEDICAID
EXPANSION IN WV

Carol Cain Bush appeared before the Commission. She said this is her third year working with the affordable care act. She said she acts as a navigator thru WVU Health Science Center with West Virginia Healthy Start Program. She does outreach education and enrollment and often partners with Lisa Deal who works with West Virginians for Affordable Health Care. She said we have been advocating for affordable health care in WV for a very long time. Lisa Deal appeared before the Commission. Ms. Deal gave handouts to the Commission. She said they are going to each County in the State of West Virginia to provide this information to them. She said they are really just trying to make

counties aware of the importance of the WV Medicaid Program. It not only provides health care for low income residents but it also provides long term care for a large number of our elderly and disabled. She said about 600,000 people in WV depend on Medicaid. She said in Randolph County about 28% of the citizens depend on Medicaid. She said the elderly and disabled will be the hardest hit if Medicaid fails. Carol Cain Bush said she will have 14 counties to cover and she will be located at the Randolph County Health Department and she will be available to help people if they have any questions.

CONSIDER APPROVAL TO HIRE PART TIME DISPATCHER AT 911 CENTER
911/OEM Director, Cindy Hart appeared before the Commission. She said she would like to request the approval to hire Jordan Haynes as a part time dispatcher at the 911 Center. He would be used as a fill in when needed. He is already trained and his background check came back fine. Commissioner Johns moved to approve the hiring of Jordan Haynes as a part time dispatcher at the Randolph County 911 Center with a starting rate of \$13.34 per hour and his effective date of hire is to be September 1, 2016. All yes – Motion passed unanimously

CONSIDER APPROVAL TO HIRE TWO COURT SECURITY OFFICERS IN SHERIFF'S OFFICE

Sheriff Mark Brady appeared before the Commission. He said he brings before the Commission today the request for hiring of two court security officers. He would like to do them separate because they have two different starting dates. The first one is Mark A. Howell and he has an extensive background in corrections and security consisting of over 15 years of service in these positions. He is a graduate of the WV Regional Jail/Corrections Academy and has several certifications in this field. Sheriff Brady said he would like Mr. Howell to begin working on September 12, 2016 on a 90 day probationary period and with a starting salary of \$21,000.00 per year with full county benefits.

Commissioner See moved to approve the hiring of Mark A. Howell for the position of Randolph County Court Security Officer with a hiring date of September 12, 2016 with a 90 day probationary period and with a beginning salary of \$21,000.00 per year with full county benefits.

All yes – Motion passed unanimously

Sheriff Brady said he would also like to request for hiring Jessica M. Thomason for court security officer. She is a 10 year military veteran of the Air National Guard of the Air Force and former corrections officer at Huttonsville Correctional Center. She is a graduate of WV Correctional Academy. He would like Ms. Thomason to begin working on September 19, 2016 on a 90 day probationary period and with a starting salary of \$21,000.00 per year with full county benefits.

Commissioner See moved to approve the hiring of Jessica M. Thomason for the position of Randolph County Court Security Officer with a hiring date of September 19, 2016 with a 90 day probationary period and with a beginning salary of \$21,000.00 per year with full county benefits.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF RECOMMENDATION OF FIDUCIARY
COMMISSIONER ON THE ESTATE OF HAROLD J. GEORGE

County Clerk, Brenda Wiseman presented to the Commission the recommendation of Fiduciary Commissioner, Jennifer Morgan, regarding the estate of Harold J. George. Clerk Wiseman explained that one of the heirs disagreed with what was listed on the appraisal when it was filed so a Fiduciary Commissioner was appointed to hold a hearing. Mrs. Morgan recommends that Thomas Eugene George remain in his current position as the Executor and upon the closing of the estate Thomas Eugene George shall provide a full accounting/Final Settlement of the estate.

Commissioner Johns moved to accept/approve the recommendation of Fiduciary Commissioner, Jennifer Morgan, on the estate of Harold J. George, as submitted.

All yes – Motion passed unanimously

CONSIDER ANNOUNCEMENT OF REVIEW/RANKINGS OF ARCHITECTURAL
COMPANIES INTERVIEWED FOR NEW PROPOSED 911 CENTER/OEM OFFICE
LOCATION

Commissioner Taylor said as we move forward with the proposed new 911 center we have to find an architect to give us some drawings and plans and actually do a review of the building to see if it is going to be suitable for a 911/OEM Center for the expansion project. He said the Commission held a special meeting on August 29, 2016 and they interviewed two firms. Those were Silling Architects out of Charleston, WV and the other firm was VanNostrand Architects out of Buckhannon, WV. Cindy Hart, Michael Taylor, Chris See, Donna Haddix and Jim Ancell were the interview committee. He said it was the committee's recommendation to this Commission and by statute 5-G-1-3 is that we rank them and then the Commission negotiates with the first one to see if we can come to an agreeable price on the cost and if not we can go on to the second one. He said we will be doing this in Phases. Phase 1 will be the evaluation of the building and to give us a cost estimate. The ranking order that the committee recommends to the Commission is first is Silling Architects out of Charleston, WV and second was VanNostrand Architects out of Buckhannon, WV.

Commissioner Johns moved to approve the ranking order and to move forward with Phase 1 of the project negotiating with Silling Architects who ranked first and then with VanNostrand Architects who ranked second.

All yes – Motion passed unanimously

CONSIDER FUNDING REQUEST FROM SHERIFF'S OFFICE TO PURCHASE
NEW REPLACEMENT CRUISER FOR SHERIFF

Sheriff Mark Brady appeared before the Commission. Sheriff Brady said he was there to request funding for a new replacement cruiser replacing the one that he was driving that was totaled due to a collision. He said he has been advised by the insurance company that it was totaled. He said a check was submitted to the Randolph County Commission from the insurance company for the cost of that cruiser. Sheriff Brady said there will be additional costs to purchase a new cruiser. He said these cruisers cannot just be purchased off of a local lot and as they are well aware he went ahead and ordered a cruiser from Elkins Fordland at a cost of \$30,900.00 and he is requesting that the insurance money go to that and also funding to pay the difference between the cost of that

and the insurance costs. He said as this is a replacement of a cruiser, it is not a purchase of one, it has not been a budgeted item in his office as he was not planning on him wrecking a cruiser and totaling it nor any of the deputies to wreck a cruiser. This is one of those unforeseen circumstances that we have. He said he did check with the state bidding process on it and it was higher than Elkins Fordland. He checked at Stevens Auto in Danville. He said since it is under the state bid he prefers to buy it off of a local dealer that pays taxes in this county. Commissioner Taylor asked if he already ordered it and when would it be here? Sheriff Brady said it should be here in about a month. Commissioner Taylor said right now we don't have any money budgeted and he thinks that the Sheriff should have checked with the Commission before he ordered it to make sure they had the money set aside for it. He said he knows they have the insurance money but they don't have the other budgeted yet. Commissioner Taylor said it is going to be his recommendation that they take it under consideration and see how they can move money around if that is the wish of the Commission to do. Sheriff Brady said just for your information in the general county budget there is 3.6 million dollars and there is also in the financial stabilization fund savings account 1.6 million dollars that could be used to fund the difference for the cost of this vehicle. Commissioner Taylor said they are very much aware of what's in the budget. He said we have a procedure to follow and we will take a look at it and we will take it under consideration. Sheriff Brady asked if he was going to ask for a motion to take it under consideration and Commissioner Taylor said we are going to take it under consideration.

CONSIDER FUNDING REQUEST FROM SHERIFF'S OFFICE TO PURCHASE MONITORS FOR COURT SECURITY OFFICE

Sheriff Mark Brady appeared before the Commission. He said this is a proposal for costs for the monitors and server for the court security office. This will allow the court security officers to monitor what people are doing throughout the courthouse. He said he is unaware of whether this was put in a grant or not. He said he never seen the grant application and he is unaware of what the grant approval was. He said he knows the grant was in the amount of \$39,000.00 but he doesn't know what it was to be used for. He said this is for the court security officers to have monitors that they can monitor for the safety of the visitors and for the safety of the employees of the Randolph County Courthouse complex. He said he got a quote from Global Science and Technology who is the vendor that was approved by the Randolph County Commission to do all of the IT work for our network. The total cost would be \$2,835.60. He said there has been nothing budgeted for the court security monitoring program. He said right now they only have a small laptop that they cannot monitor all the camera's on. Commissioner Taylor said they did apply for a grant and he thought that the Sheriff's Office was involved in the planning of the grant because part of that included panic alarms and Deputy Sharp helped do the drawings and so forth. Sheriff Brady said they were involved in going around with Bryson VanNostrand and locating anywhere they thought should be a panic alarm. He said that was all the involvement they had in it. Commissioner Taylor said there was a Commission meeting after the grant was awarded and the Commission announced exactly what they had been awarded in that grant. Sheriff Brady said he did not see the document. Commissioner Taylor said we are still in the planning stages and are waiting for Mr. VanNostrand to get back with us. He said we were awarded.

\$39,000.00 in that grant and it was specific for the panic buttons and for some new cameras and that will be incorporated when the time comes and we will take this and see how we can mesh that together with that. He said they will make sure that Sheriff Brady gets a copy of the grant. Commissioner Taylor said he knows it was announced in public and it has been in the paper and they have announced it two or three times so how it fell through the cracks that Sheriff Brady didn't know what it was, he can't explain that. Sheriff Brady said he knows what it was but he doesn't know the details inside the grant. Commissioner Taylor said they need to make sure everything is combatable and they haven't awarded the contract for the camera's or the panic buttons yet. Commissioner Taylor said they will take this under consideration.

FINAL SETTLEMENTS/ANNUAL ACCOUNTINGS:

Commissioner Johns moved to approve the nine final settlements/annual accountings, as submitted.

John Paul Jones

Richard D. Earle

Wanda Marie Siler

Morris D. Raines

Richard Fay Barrick, Jr.

Iona Vivian Robinson

Cornelia A. Wolford

Charles Edward Price

Sandra Darlene Metz

All yes – Motion passed unanimously

BUDGET REVISION: (See attached copy)

Commissioner Johns moved to approve the one budget revision, as submitted.

All yes – Motion passed unanimously

ERRONEOUS ASSESSMENTS/DIVISIONS OF PROPERTY:

Commissioner Johns moved to approve the erroneous assessments/divisions of property, as submitted.

All yes - Motion passed unanimously

PAYMENT OF BILLS:

Commissioner Johns moved to pay the bills, as submitted.

All yes - Motion passed unanimously

ADJOURN THE MEETING:

Commissioner Johns moved to adjourn the meeting.

All yes - Motion passed unanimously

Attest: _____