

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 7th day of November, 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:

Phil Lantz who lives in the Glenmore Acres Subdivision appeared before the Commission. He said there is an abandoned home at 427 Indianola Drive and he has filed several complaints about it. He said there is garbage, roaches, rats, old furniture with bed bugs etc. He said this is a health hazard and now all the neighbors are fighting with the roaches and other bugs coming into their homes. He said if nothing gets done soon they might have to file a lawsuit against the owner of the home.

MINUTES:

Commissioner See moved to approve the minutes of the regular meeting held on October 17, 2019, as submitted.

All yes – Motion passed unanimously

REPORTS:

Kurt Gainer from Randolph County Emergency Squad reported that all stations are open and all the vehicles are on the road. He said they are still down a few employees but everything is going good.

CORRESPONDENCE: None

ANNOUNCEMENTS:

Commissioner Scott announced that the next County Commission meeting will be held on Thursday November 21, 2019 at 1:30 p.m.

ITEMS FOR DISCUSSION/ACTION:

CONSIDER SIGNING RESOLUTION FOR VOCA GRANT

Commissioner Scott said the Commission received a letter from the Governor that Randolph County is receiving the VOCA Grant again this year. The amount of the grant is \$42,006.00. VOCA Grant Coordinator, Allyson Smoak appeared before the Commission and thanked them for approving this position for another year. She said it is a very important position. Commissioner Kesling moved to approve the signing of the VOCA Grant Resolution and paperwork, as submitted.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF THREE PART TIME EMPLOYEES AND ONE FULL TIME EMPLOYEE FOR 911 CENTER

(See copies attached)

911/OEM Director Cindy Hart appeared before the Commission. She said she three openings at the 911 Center due to one person moved out of State, one went to work at a Doctor's Office and one quit. She would like to move one part time person up to full time and then add three more part time employees. She said they conducted interviews and did background checks and all came back fine.

Commissioner See moved to approve the status change of Charles Workman III from part time to full time with full county benefits and a pay increase to \$13.97 per hour and with an effective date of November 11, 2019.

All yes – Motion passed unanimously

Commissioner Kesling moved to approve the hiring of Terrina Tacy as a part time employee at the 911 Center with no county benefits. Her starting pay will be \$12.34 per hour and her effective date of hire will be November 8, 2019.

All yes – Motion passed unanimously

Commissioner Kesling moved to approve the hiring of Noah B. Shears as a part time employee at the 911 Center with no county benefits. His starting pay will be \$9.94 per hour and his effective date of hire will be November 8, 2019.

All yes – Motion passed unanimously

Commissioner See moved to approve the hiring of Sydnie Tate as a part time employee at the 911 Center with no county benefits. Her starting pay will be \$9.94 per hour and her effective date of hire will be November 8, 2019.

All yes – Motion passed unanimously

Cindy Hart said she should have a detailed punch list on the new Building next week. She said FEMA is still in the building until mid December. She also told people that during bad weather they can text 888-777 put in Elkins zipcode and they will start getting the weather alerts on their phones. She said she is still working on the emergency operation plan and should have it done by the next meeting.

CONSIDER APPROVAL OF BOARD MEMBER FOR ELKINS RANDOLPH COUNTY PUBLIC LIBRARY

(See copy attached)

Commissioner Kesling moved to approve the appointment of Katrina Thompson to the Elkins-Randolph County Public Library Board to replace Jared Howell. This term will end on June 30, 2022.

All yes – Motion passed unanimously

CONSIDER APPROVING A PARKING CONTRACT WITH CRYSTAL SPRINGS  
COMMUNITY CHURCH

(See copy attached)

Commissioner Scott said the County owns a vacant lot in Crystal Springs that was deeded over to them by FEMA. This is across from the Crystal Springs Community Church and it is just a field with weeds right now. The church approached the Commission about being able to use that vacant lot as a parking area for people attending the church. The Commission does not see a problem with doing this. Commissioner See said it is in a flood plain area but as long as they don't build on it there should not be any problems. Commissioner See moved to approve the parking agreement with Crystal Springs Community Church, as submitted.

All yes – Motion passed unanimously

OPEN BIDS AND CONSIDER APPROVING MAINTENANCE AGREEMENT FOR  
HVAC AND BOILERS FOR COURT HOUSE COMPLEX

Commissioner Scott said these bids for HVAC and boiler maintenance include the entire courthouse complex, not just Wees Annex building. There were two bids received. The first bid was from Casto Technical Services in the amount of \$17,762.00 and that is for a maintenance agreement for one year. The second bid was from Emcor Services. The Commission searched through the entire bid but could not find the total bid amount. Commissioner See moved to table this item until the next meeting so they can have time to look through the bids and make sure everything is in order.

All yes – Motion passed unanimously

CONSIDER APPROVING CONTRACT TO REPLACE EXTERIOR DOOR TO  
PROSECUTOR'S STAIRWAY

Randolph County Prosecuting Attorney, Michael Parker spoke to the Commission about the door going up to his office. He said the door is ready to fall off the hinges and it is really hard to open and close. Commissioner Scott said they contacted BCT Construction and received an estimate of \$6,000.00 to replace the door and fix the frame etc. Commissioner See moved to approve a contract with BCT Construction to replace the exterior door on the James F. Cain Annex building that leads up to the Prosecutor's Office.

All yes – Motion passed unanimously

CONSIDER APPROVAL OF CONTRACT FOR COURT HOUSE PRESSURE  
WASHING

Commissioner Scott said the Commission had a company do pressure washing of the Wees Annex and it is partly done. They would like to have the main courthouse done also. This is a local company and they gave an estimate of \$7,500.00 to do the main courthouse. Commissioner Kesling moved to approve the contract for \$7,500.00 for pressure washing of the main courthouse, as submitted.

All yes – Motion passed unanimously

#### CONSIDER APPROVAL OF CONTRACT FOR FIELD INSPECTOR FOR THE ENFORCEMENT AGENCY

Commissioner Scott said the Commission approved on 2<sup>nd</sup> reading the Unsafe Buildings and Land Ordinance a few meetings ago. He said they now need to get a field inspector that would go out and take pictures and do a recommendation to the enforcement committee of the unsafe buildings. He said there is a lady that already does this for the State and she is willing to work for the County also. Her name is Jennifer Boyle and she would be paid \$15.00 per hour plus expenses for travel. Commissioner Kesling moved to approve the contract with Jennifer Boyle as a field inspector for Randolph County. All yes – Motion passed unanimously

Sheriff Brady said the Commission should put something on their website to let people know how to file a complaint.

Commissioner See said they need to bring the complaints to the County Commission office. He said they have received several so far.

Mr. Lantz thanked Dave Teter for everything he has done to help them so far with the Glenmore Acres problem.

#### CONSIDER OPTING OUT OF OPIOID LAWSUIT

Commissioner Scott said over a year ago the County Commission engaged Fitzsimmons Law Firm to represent them in the opioid lawsuit. The Commission has received notice from different companies that they are willing to entertain various counties and municipalities that would be willing to enter into an agreement with them, they would work out a formula and based upon per each billion dollars of a national settlement different counties would receive a certain amount based upon their population and based upon their rates of opioid use and abuse. He said they received notification that they had until the 21<sup>st</sup> of November to let them know if they would be willing to be part of that Class or if they want to continue on their own with the lawsuit that they currently have. He said for various reasons they want to continue with their own lawsuit. He said one of those reasons is the lawsuit that they have is currently in State Court it's not a part of the Federal judicial system, it's a part of the State judicial system, which is a bit unique compared to some of the others out there. He said we have already won a couple of challenges early on. He said based upon that the Attorney's feel that it would be better served by opting out of this class and remaining with the suit they currently have and been involved in for the last eighteen months because we will get a better settlement than we would if we were a part of the class, also since we are as far along as we are we have a leg up. He said the drug companies have made no offer, so they have no earthly idea as to how much the drug companies are willing to settle for. He said the way the formula works in the class action lawsuit the larger cities and municipalities throughout the Country would get the most out of the settlement, if it were settled. He said whereas if you are one of three or four counties in a lawsuit and they settle with your County it is more likely your County would receive more. He said most counties have opted out of this.

Commissioner See moved that Randolph County opt out of the national lawsuit for opioid abuse and continue with its case that is running through the State courts.  
All yes -- Motion passed unanimously

CONSIDER RECOMMENDATION OF SPECIAL FIDUCIARY COMMISSIONER  
ON THE ESTATE OF JUNIOR CHARLES WEGMAN  
(See copy attached)

Randolph County Clerk, Brenda Wiseman presented a copy of the second recommended order of Special Fiduciary Commissioner, Jefferson L. Triplett, to the Commission. She told the Commission that in this recommendation Mr. Triplett is recommending that Cathey McBride Brady Lee be removed as Executrix of the estate of Junior Charles Wegman because she did not follow the first recommended order that was already approved by the Commission. She said in that recommendation Mr. Triplett advised Mrs. Lee to do an amended appraisal within 30 days of the hearing. She has not complied and Mr. Triplett held a second hearing and therefore his recommendation today is for her to be removed.

Mr. Jefferson L. Triplett was also present and he spoke to the Commission and told them that Mrs. Lee is not complying with what he recommends so he feels she should be removed from this estate and let someone else be appointed that will be able to complete it and get it settled and the estate closed.

Commissioner See moved to approve the second recommended order of special fiduciary commissioner, Jefferson L. Triplett, on the estate of Junior Charles Wegman, as submitted.

All yes -- Motion passed unanimously

CONSIDER CLOSING OLD ESTATES PURSUANT TO HOUSE BILL 2746 (A-F)

Randolph County Clerk, Brenda Wiseman told the Commission that her office has completed the process to close out 306 old estates as of this time. She said they have sent the notices out in the mail and have published these estates and no one has come forward to inform them that these estates need to remain open for any reason. She said they are still working on more to get closed out but these are the ones that are finished so far.

Commissioner Kesling moved to approve the closing of the 306 old estates as submitted by the Randolph County Clerk.

All yes -- Motion passed unanimously

CONSIDER MOVING FORWARD TO CLOSE OLD ESTATES LETTER G-Z

Randolph County Clerk, Brenda Wiseman said that her office staff is working on the old estates letters G-Z right now. She said instead of taking up the Commission's time with presenting this over and over she said if they just approve her office to move forward with it then they can proceed.

Commissioner See moved to allow the Clerk and her staff to move forward with closing old estates, letters G-Z.

All yes -- Motion passed unanimously

CONSIDER REMOVING FIDUCIARY COMMISSIONER AND APPOINTING A  
NEW FIDUCIARY COMMISSIONER ON THE ESTATE OF HELEN CLEO  
ARBOGAST

Randolph County Clerk, Brenda Wiseman told the Commission that Helen Cleo Arbogast passed away without a Will. She had six living children and one of those children came into her office and was appointed over the estate. She said after Mr. Jerry Arbogast was appointed over the estate she received some complaints from three of the other children. She said anytime a complaint is filed she refers the estate out to the Fiduciary Commissioner to hold a hearing. She said the estate was referred to Jennifer Morgan and Mrs. Morgan scheduled a hearing. She said Mr. Jerry Arbogast hired John Wallace as his Attorney and Mr. Wallace filed an answer back to Mrs. Morgan regarding all the complaints that were made by the other children. Mrs. Morgan then cancelled the hearing. Clerk Wiseman said she has received several phone calls and has received three written complaints again regarding this estate. The other children are not happy about the hearing being cancelled and would like another fiduciary commissioner appointed that will hold a hearing.

Mr. John Wallace was present and said he did not think that Jennifer Morgan should be removed from the case just because she cancelled the hearing. He said all of the issues were addressed that the other children raised questions about so that is why she cancelled the hearing. Commissioner Scott said he felt that someone else should be appointed to hold a hearing, since Mrs. Morgan did not do that.

Commissioner See moved to remove Jennifer Morgan as Fiduciary Commissioner on the estate of Helen Cleo Arbogast and for the Clerk to appoint a new Fiduciary Commissioner on the estate of Helen Cleo Arbogast.

All yes – Motion passed unanimously

CONSIDER SIGNING RESOLUTION FOR WV RECORDS MANAGEMENT AND  
PRESERVATION GRANT

Commissioner See moved to table this item indefinitely.

All yes – Motion passed unanimously

CONSIDER REALLOCATION OF THE CVB FUNDING

Commissioner Scott said there are currently 3 separate CVB's in the County. He said earlier this year the Randolph County CVB decided to sell a piece of property they owned to a business. At that time the County Commission decreased their funding. Commissioner Scott said they have met with them and told them that people do not know where they are located anymore. They are still in the same building as before but the new business owner has put up their signs and no one knows that the CVB is still there too. Commissioner Kesling said they met with them and told them to put up more signage but they didn't improve it at all. Commissioner Scott said as a result the County Commission is considering de-funding them and giving those funds to the Beverly CVB.

Commissioner Kesling moved to reallocate the funding of the hotel/motel tax so that 70% will now go to the Depot Welcome Center and 30% will now go to the Beverly CVB.

All yes – Motion passed unanimously

CONSIDER LETTER OF SUPPORT FOR THE ALBRIGHT DAM REMOVAL

Commissioner Scott said they were contacted by the Preston County Commission about this. He said this is an old cooling dam that was used by the Albright Power Station in the past. He said it is no longer being used. This dam prevents people from going all the way thru. The Preston County Commission has done a resolution in support of removing the dam. Commissioner Scott said they reached out to First Energy because they are the ones that own the dam. They are going to have a meeting within the next week to discuss this. He said until we hear back from them as to what they decide to do he feels this should be tabled.

Commissioner Kesling moved to table this item.

All yes – Motion passed unanimously

CONSIDER SIGNING RESOLUTION REGARDING RANDOLPH COUNTY DEVELOPMENT AUTHORITY

(See copy attached)

Commissioner Scott said this is something that is done every year for the Randolph County Development Authority in order for them to receive funding from the State.

Commissioner See moved to approve the signing of a Resolution stating that the Randolph County Development Authority is the lead economic development organization for Randolph County.

All yes – Motion passed unanimously

FINAL SETTLEMENTS:

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

Ray Garnett Arbogast  
Patrick Nowell Cahill  
Ronald D. Chewning  
Hobert Henry Corley  
William Frank Cornwell  
Arthur Eisenberg  
Michael D. Everhart  
Ronald Clyde Gatewood  
Doris E. Harner  
Joseph Bernard Johnson  
Michael James Kittle  
Debra Caye Phares  
Thaddeus M. Pritt, II  
Roy Ellis Wood  
Joseph Emil Tekel

All yes – Motion passed unanimously

BUDGET REVISIONS: None

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 See moved to approve the 113 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: \_\_\_\_\_